QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss). The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

ADJOURNMENT TO 9 A.M.

Mr. MOSS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 5, 1971, at 9 a.m.

CONFIRMATION

Executive nominations confirmed by the Senate October 4, 1971:

U.S. COAST GUARD

The following-named officer of the Coast Guard for promotion to the grade of rear admiral:

William M. Benkert.

HOUSE OF REPRESENTATIVES—*Monday, October 4, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Live as free men, yet without using your freedom as a pretext for evil: but live as servants of God.—Peter 2: 16.

Eternal God, who has given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor, eager to do Thy will and ready to serve our fellow man. Bless our land with honorable industry, sound learning, and good manners. Save us from violence and discord, from pride and prejudice, and from every evil way. Defend our liberties and fashion us into a united people seeking the good of all men.

Endue with the spirit of wisdom those who guide our Nation that there may be justice and peace at home and in our world. In periods of prosperity fill our hearts with gratitude, and in the time of trouble let not our trust in Thee fail. In the spirit of the Lord of Life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 157. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the Chair is going to recognize only one Member for a unanimous-consent request in order to announce the death of a former Member of the House, and will not take other unanimous-consent requests until later in the day.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

THE LATE HONORABLE WILLIAM O. COWGER

Mr. MAZZOLI. I thank you, Mr. Speaker. I am shocked and saddened that William O. Cowger, a former Member of the House, and an outstanding leader of the city of Louisville, should have been taken from us in the very prime of his life.

Few men in the recent history of Louisville have more deeply committed themselves to the service of the community that William O. Cowger.

During 8 of the last 10 years of his life, he put aside the advancement of his private business career in order to take on the burdens of a full-time public servant.

For 4 years he served as an outstanding mayor of the city of Louisville and for 4 more years he served the city as my distinguished predecessor in the House of Representatives.

His stature in Congress was such that his Republican colleagues singled him out for the chairmanship of a congressional task force on urban affairs. He also was selected by his peers to serve as the president of the GOP's 90th Congressional Club.

However, Bill Cowger's most important legacy is to be found in the contributions he made to the betterment of the city he adopted upon coming out of the naval service at the end of World War II.

Among those many achievements in behalf of his adopted city was the realization, during his term as mayor, of his longtime personal goal of obtaining for the city of Louisville a zoological garden.

The thousands of children—and the parents who accompany them—are indeed indebted to the memory of William O. Cowger for their enjoyment of the Louisville Zoological Garden.

But Bill Cowger's record of unselfish and public-spirited activity predates his elevation to high governmental offices. As a private citizen, he labored tirelessly for many worthy causes including the Red Cross and the United Cerebral Palsy.

Other organizations to which he donated his valuable services include the Louisville International Center, the Urban League, and the Fourth Avenue Presbyterian Church in Louisville, of which he was a member of the board of deacons.

William Cowger's grasp of urban problems is reflected by the leadership roles he assumed in various organizations concerned with the problems of cities. He served as president of both the Inter-American Municipal Organization and the Kentucky Municipal League. He also served on the executive committee of the American Municipal Association.

My personal association with Bill Cowger was as a political adversary; however, my respect for his accomplishments and his public spiritedness is in no way diminished.

Mr. Speaker, the Louisville, Ky., area has indeed been diminished by the loss of a truly outstanding citizen.

Mr. CARTER. I thank the distinguished gentleman for yielding.

Mr. Speaker, it was with deep personal regret that I learned of the untimely passing of our distinguished and respected former colleague, William O. Cowger.

Bill Cowger was a fine individual and had an outstanding record as mayor of Louisville. He did much to revitalize that city and it was during his administration that Louisville was designated as an all-American city. He made Louisville a better place for people of all walks of life and all races.

As a Congressman, Bill quickly won the admiration and respect of his fellow freshmen Congressmen, who elected him to head the 90th Club. His dedication and work in behalf of his constituents was not only outstanding, but inspired. His pride in Louisville was boldly proclaimed on all his official envelopes—with the seal of the all-American city.

In his own words, the most memorable aspect of public life was service to those whom he represented. To quote him directly—

I would say the most important thing is the personal satisfaction that you get out of doing things for people . . . This is the real payoff in public service.

He will be sadly missed and I extend my deepest sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his kind remarks.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the distinguished minority leader.

Mr. Speaker, I am most grateful that the gentleman from Kentucky would yield to me on this sad occasion.

I was shocked when I learned in the paper in the last 24 hours of the passing of Bill Cowger. He came here in 1966. He immediately achieved a very fine

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reputation as an outstanding legislator.

He was a most able member of the Committee on Banking and Currency, and his impact on the floor of the House was substantial. In addition to that he had been recognized by the freshman Members on our side of the aisle by being elected president of that group. He was a real leader in that group that was one of the most substantial in numbers that had come to the House of Representatives on our side in a long, long time.

He was respected on both sides of the aisle. I think this is understandable when one looks at the fine record of public service that Bill Cowger had prior to his coming to the House of Representatives.

We had many fine instances of personal friendship He was an outstanding person in every respect. He was a delightful guy. His achievements in the House, although short in time, will be one that will be remembered for a long, long time as an excellent record.

I extend to his family my deepest condolences in this, their hour of sadness.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Michigan for his comments. The gentleman from Michigan did mention some of Mr. Cowger's most outstanding achievements, and they were on this floor, but he also had an outstanding record as mayor in the city of Louisville for 4 years, as a Congressman from that district, and as a person who, prior to going into public life, was a man who used his efforts in the community to better the community.

Mr. Speaker, I now yield to my colleague, the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I was shocked and saddened by the sudden death of our good friend and former colleague, William O. Cowger of Louisville. Bill's sudden passing last Saturday is difficult to comprehend and accept. The citizens of Louisville and Jefferson County have lost a great friend and public servant.

He was the first Republican mayor in Louisville in 30 years and during his term as mayor, Louisville was designated an all-American city. It was an achievement that gave him much pride for he had a sincere and genuine concern for the progress and betterment for urban communities and for Louisville in particular. As the mayor of Louisville from 1961 to 1965 he led in the enactment of the first public accommodations ordinance in the United States south of the Mason-Dixon line.

Bill served two terms in Congress as the Representative from the Third Congressional District of Kentucky from 1966 to 1970. He served the people of Louisville with a dedication that is rare. The Police Assistance Act of 1970 carried his name.

He said after his narrow defeat in 1970:

> I would say the most important thing to me is the personal satisfaction that you get out of doing things for people. This is the real payoff in public service.

He was well liked here in the House and was elected chairman of the freshman GOP Representatives in his first term. He loved his country and the people it was his privilege to represent. He said on leaving the Congress he would miss most his association with fellow Congressmen and, No. 2, he always liked to be where the action was and the action was here in the Congress. He felt the action was here particularly in his years of service and as a dedicated public servant. He went on to say:

> I really don't think I'd want to be in Congress during a time of Utopia when everything is milk and honey.

Mr. Speaker, those of us who were privileged to know him as a concerned representative of the people knew, too, of his great faith. A faith that sustained him throughout the brief years of his life. It was a privilege to know him and to work with him. The House was made richer by his presence here for 4 brief years and the people of Louisville are poorer by his untimely passing.

I feel a great sense of loss and extend to his family my deepest sympathy for one of our most dedicated public servants of Kentucky.

Mr. MAZZOLI. Mr. Speaker, I now yield to my colleague, the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Speaker, I too wish to join with my colleagues in paying my deep respects to my good friend, Bill Cowger. Bill was a longtime personal friend.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Speaker, I join my colleagues in mourning the passing of our former colleague William O. Cowger. Bill Cowger and I both came to the Congress together in 1967. It was my good fortune to have my office next to his on the fifth floor of the Cannon Building during the 91st Congress. I always found him to be a man with an easy going personality, but yet he was firm in his convictions and worked for those programs which he felt were best for the people of Kentucky's Third District and the Nation. Bill Cowger was always ready to lend a helping hand to anyone who came to him for assistance. His loss will certainly be felt by the people of Kentucky and his many other friends across the Nation. I extend my deepest sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his remarks.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. PERKINS. Mr. Speaker, I, too, am shocked and saddened by the news of the death Saturday of William O. Cowger, who until last January represented Kentucky's Third Congressional District.

Bill Cowger's death is especially distressing, in that it has robbed his party and his home community of Louisville of a vigorous, progressive young leader.

The qualities of leadership which he displayed as a young businessman in Louisville early marked him for a distinguished career. Although he was not a Kentuckian, not a native Louisvillian, his adopted city took him to its heart.

Ten years ago next month, Bill became the first Republican mayor of Louisville in three decades, coasting to power with now Senator MARLOW COOK, then a candidate for county judge, as a team of youthful reformers.

After serving 4 years as mayor of Kentucky's largest city, he was elected to Congress in 1966, and was with us as a Member of this House until the expiration of his second term last January.

Bill served his city and his district well. Though he and I were of different parties, I liked the way he approached problems and issues here. Once at a Washington meeting of visiting Kentuckians here attending a convention, Bill Cowger said of his Democratic colleagues in the Congress:

> Back home, we might differ on politics; but here in Washington, we all work together for Kentucky.

I am genuinely sorry to hear of his passing, and extend my sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his remarks.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. ZION. Mr. Speaker, I guess I knew Bill Cowger as well as anyone. We traveled back and forth between our districts together for 4 years. It was during one of these trips that he confided in me that he had suffered two heart attacks and had been advised to slow down.

Bill did not know how to slow down. He was a fighter. He felt compelled to take on the newspapers, his Governor, his party leaders, Eastern Air Lines, and anyone else that he felt should get a comeuppance.

Someone once said:

> Live while you live, then die and be done with it.

Bill would want us to say that he did just that.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman and I thank the House for paying its tribute today to the late Congressman Cowger.

Mr. NATCHER. Mr. Speaker, I shall always be grateful that I had the opportunity to serve in the Congress of the United States with William O. Cowger.

Bill Cowger represented the Third Congressional District of Kentucky in the Congress for two terms and, as a former mayor of Louisville, was one of the chief spokesmen in the House for the Nation's cities.

He was always a cheerful, humble, dedicated leader of the House of Representatives and was always loyal to his friends and to the people of his district.

In addition to his outstanding ability as a legislator, Bill Cowger possessed a delightful sense of humor and his inherent kindness endeared him to all with whom he came in contact. A wise, experienced leader and a great Kentuckian has gone to his eternal reward.

I extend my deepest sympathy to the members of his family.

Mr. MILLER of Ohio. Mr. Speaker, it is with a deep sense of loss that I join with my colleagues in the House in expressing my sympathy at the sudden

passing of Bill Cowger. Bill was a public servant of the highest integrity. He brought to Congress the same sense of pride and purpose that was characteristic of his business, civic and public-service contributions to the city of Louisville and the State of Kentucky.

Bill Cowger was a distinguished public servant. He served for 3 years as the president of the Inter-American Municipal Organization and served on the executive committee of the American Municipal Association. He worked constantly for all that is good in America, and as one who sincerely appreciated Bill and what he stood for, I know that his death will be felt by all those who love this country.

Mr. RIEGLE. Mr. Speaker, it is with great sadness that I rise to acknowledge the death of my good friend and colleague Bill Cowger. How distressing it is that we should lose a man that the country needs so much.

Bill was a man of conscience, feeling, dedication, and decency. Those of us privileged to work with him are endebted to him for his leadership and personal example.

And while it is easy to feel bitterness about his untimely death—we must instead be thankful for his life—his work—his essential goodness as a human being. The fact is that.

Bill lives on in all of us—his sense of humor—his courage on human rights—his love of life and truth.

Our deepest thoughts today are with him and his family.

GENERAL LEAVE TO EXTEND

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and character of our late colleague the Honorable William O. Cowger.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

For what purpose does the gentleman from Iowa rise?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, I am prepared to offer a highly privileged motion.

The SPEAKER. The Consent Calendar takes precedence over the motion of the gentleman, which the Chair thinks he has in mind to offer.

Mr. GROSS. I thank the Speaker.

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

VILLAGE OF ORLEANS, VT.

The Clerk called the bill (S. 708) for the relief of the village of Orleans, Vt.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I have been advised that many of the questions in connection with the bill, S. 708, have been resolved; to wit, that the money orders in question were never cashed, and there has never been any question of embezzlement, nor would the money accrue to the benefit of the city.

Previously when the bill was called due to questions regarding the above, and based on the report of the committee, I felt constrained to ask that it be put over without prejudice. At this time, unless there is additional question or information to the contrary, I am constrained to withdraw my reservation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 5103 (d) of title 39, United States Code, the Postmaster General is authorized and directed to (1) receive and consider any claims of the village of Orleans, Vermont, for the repayment of six unpaid United States money orders issued to such village in 1945 for the aggregate amount of $527.31, and (2) provide for the payment of the face value of such money orders to such village.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FLOWERS. Mr. Speaker, there is an amendment to the bill, S. 708.

The SPEAKER. Did the gentleman send the amendment to the desk?

Mr. FLOWERS. It is at the desk, Mr. Speaker.

The SPEAKER. Without objection, the proceedings whereby the bill was read a third time. and passed are vacated and the gentleman will offer his amendment.

There was no objection.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

The amendment offered by Mr. FLOWERS: Page 1, line 4, insert "former" before the word "title".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUIRING PROTECTION, MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

The Clerk called the bill (H.R. 9890) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of whoever is handling this bill on the Consent Calendar today, as to whether or not there is an intention to offer an amendment; and, if so, is the amendment, which is most highly unusual under the circumstances and subject only to presentation by the committee, approved by the committee? Mr. Speaker, for this purpose I yield to the chairman of the Committee on Interior an Insular Affairs.

Mr. ASPINALL. I thank my friend from Missouri.

Mr. Speaker, may I state that the amendment has not been cleared as such by the committee, but it has been cleared by the committee members who are interested in this legislation, and I would suggest to my friend from Missouri that this is not a matter being considered on the Suspension Calendar but rather on the Consent Calendar, and in a situation in which an amendment has been agreed to by the leaders on both sides of the committee aisle and by the one who has an amendment he wishes to offer, that, I think, would make the amendments in order.

Mr. HALL. Mr. Speaker, I thank the gentleman for his constructive help, and if he will say either "yea" or "nay," whether the committee is in favor of this bill passed on the Consent Calendar rather than on the Suspension Calendar, I will be glad to comply. I have no objection, but only support for the bill.

Mr. ASPINALL. May I say to my friend that the committee is in favor of the bill being on the Consent Calendar with the two amendments which the gentleman from Michigan will offer.

Mr. HALL. I thank the gentleman. That is explicit, and I withdraw my reservation.

Mr. GUDE. Mr. Speaker, reserving the right to object—and I do not like objecting—this is the mustang bill which is presently listed on the Suspension Calendar as item No. 9. If I object and the bill is withdrawn from the Consent Calendar, will it still be on the Suspension Calendar?

The SPEAKER. The gentleman is correct.

Mr. GUDE. Mr. Speaker, this bill was unanimously voted upon by the committee after long hearings and considerable thought and study, and I do object.

The SPEAKER. Objection is heard.

The Clerk will report the next bill on the Consent Calendar.

LAND EXCHANGE, FORT BLISS MILITARY RESERVATION, TEX.

The Clerk called the bill (H.R. 2566) to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands.

There being no objection, the Clerk read the bill as follows:

H.R. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, or his designee, is authorized to convey to the State of Texas, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all right, title, and interest of the United States, except as retained in this Act, in and to a cer-

tain parcel of land containing 20 acres, more or less, out of and a part of section 2, block 81, township 2, Texas and Pacific Railroad Company Survey, El Paso County, Texas, within the Castner Range area of the Fort Bliss Military Reservation, being more particularly described as follows:

Starting at a United States Government monument, marking the corners common to sections 2, 3, 8, and 9, block 81, township 2, El Paso County, Texas, thence proceeding north 88 degrees 48 minutes 17 seconds east, along the south line of said section 2, a distance of 94.09 feet to a point on the east line of the proposed North-South Freeway; thence north 01 degrees 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.00-foot wide easement to the city of El Paso, Texas, a distance of 95.00 feet, to the point of beginning of subject parcel;

thence north 01 degree 18 minutes 22 seconds west, along the east right-of-way line of said North-South Freeway, and the west line of subject parcel, a distance of 1,244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east, into said section 2, a distance of 700.00 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1,244.58 feet to a point on the north line of a 95.00-foot wide easement to the city of El Paso, Texas;

thence south 88 degrees 48 minutes 17 seconds west, along the north line of said easement to the city of El Paso, Texas, and the south line of subject parcel, a distance of 700.00 feet to the point of beginning.

SEC. 2. In consideration for the conveyance by the United States of the property desired in section 1, the State of Texas shall convey to the United States a parcel of land containing 18.3106 acres, more or less, out of and part of section 21, block 81, township 2, El Paso County, Texas, said parcel being a portion of a 24.25-acre parcel of land heretofore conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the Act of August 30, 1954 (68 Stat. 974), said 18.3106-acre parcel being more particularly described as follows:

Beginning at a point on the south line of Hayes Avenue, and the west right-of-way line of the proposed North-South Freeway;

thence south 30 degrees 26 minutes 35 seconds west, along the west line of said freeway, and the east line of subject area, a distance of 570.42 feet to a point;

thence south 34 degrees 26 minutes 10 seconds west, along the line of said freeway and the east line of subject area, a distance of 260.00 feet to a point;

thence south 27 degrees 15 minutes 37 seconds west, along the west line of said freeway, and the east line of subject area, a distance of 218.63 feet to a point on the north line of Truman Avenue;

thence south 86 degrees 32 minutes 40 seconds east, along the north line of Truman Avenue and the south line of subject area, a distance of 635.32 feet to a point on the east line of Pollard Street;

thence north 03 degrees 27 minutes 20 seconds east, along the east line of Pollard Street, and the west line of subject area, a distance of 902.37 feet to a point on the south line of Hayes Avenue;

thence north 88 degrees 01 minute 34 seconds west, along the south line of Hayes Avenue, and the north line of subject area, a distance of 1,116.62 feet to the point of beginning.

SEC. 3. The legal descriptions in sections 1 and 2 may be modified, as agreed upon by the Secretary, or his designee, and the State of Texas, consistent with any necessary changes which may be disclosed as the result of an accurate survey.

SEC. 4. There shall be reserved to the United States in the conveyance of lands described in section 1 hereof the following:

(a) all mineral rights including gas and oil;

(b) rights of ingress and egress over roads in the described lands serving buildings or other works operated by the United States or its successors of assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

SEC. 5. The conveyance of the property authorized by section 1 of this act shall be upon the following conditions:

(a) That such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

(b) That whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

(c) That the State, in accepting the conveyance from the United States authorized in section 1 hereof, shall covenant and agree to all responsibility for clearance of ammunition from the area and to hold the United States harmless from liability in connection with any incidents arising therefrom.

SEC. 7. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this Act shall be borne by the State of Texas.

SEC. 8. Section 3(b) of Public Law 91-202 approved March 4, 1970 (84 Stat. 20), is hereby amended to provide that structures and improvements which shall be replaced in kind at the expense of the city of El Paso, Texas, shall be constructed on land conveyed to the State of Texas under section 1 of this Act instead of the site designated in Public Law 91-202, with all other provisions of that law remaining in full force and effect.

Mr. WHITE. Mr. Speaker, I urge the passage of H.R. 2566, to authorize an exchange of land between the Army and the State of Texas. This exchange is supported by both the Army and the State of Texas, and will be to the mutual advantage of both parties.

The land to be received by the Army is contiguous to the main post of Fort Bliss, and is in a highly desirable location for the future development of the post. It has been used as a National Guard training site by the State of Texas for a number of years but the Texas National Guard Armory Board has advised the Department of the Army that the recent construction of a freeway through the area is making it impossible for the Texas National Guard to have safe and convenient access to the area.

It was therefore proposed that the Army trade a 20-acre tract, located on Castner range, a former Army firing range now declared surplus by the Army. The 20-acre site was specifically reserved from the surplus declaration, so that it might be traded to the State of Texas for the 18-acre site adjacent to the main post.

The 20-acre site will afford the National Guard ready and safe access to the north-south freeway in both directions. At the present site, the only access for National Guard vehicles would be through a Fort Bliss housing project. The estimated value of the 18 acres to be acquired by the Army exceeds that of the 20 acres to be conveyed to the State.

Mr. Speaker, there are no Federal funds involved in this land transfer, and because it is for the betterment of both Fort Bliss and the Texas National Guard, I respectfully ask unanimous consent for the passage of H.R. 2566.

Mr. BENNETT. Mr. Speaker, the purpose of H.R. 2566 is to authorize the Secretary of the Army, or his designee, to convey to the State of Texas, subject to such terms and conditions the grantor deems necessary in the public interest, a certain 20-acre parcel of land, more or less, within the Castner Range area of the Fort Bliss Military Reservation, Tex., in exchange for a parcel of land containing 18.3106 acres, more or less, which was part of a larger area—24.25 acres—previously conveyed by the United States to the State for National Guard and other military use.

The Texas National Guard Armory Board, which administers the properties of the Texas National Guard, has advised the Department of the Army that the taking of a portion—5.9 acres—of the 24.25-acre tract for a freeway right-of-way will make it impossible for the National Guard to function efficiently on the remaining portion of the facility, due to the lack of access to the freeway or other arterial streets. For this reason the Texas National Guard Armory Board has proposed an exchange of the portion of its present facility, which will remain after the conveyance of 6 acres or less to the city of El Paso, for a 20-acre parcel of Fort Bliss located in the Castner Range area. The State considers that the Castner Range site will be a suitable replacement area and will provide a desirable site for the construction of an approved new armory.

The 20-acre parcel which the State of Texas desires to acquire is an unimproved tract lying in the southeast portion of the Castner Range area of Fort Bliss, formerly used as a small arms range, but inactive in recent years. The land which the Department of the Army would acquire, described in the bill as containing 18.3106 acres, it contiguous to the main post of Fort Bliss, bounded on the north by a Capehart housing area. This site is considered a more desirable location than the Castner Range parcel for future development of Fort Bliss. The estimated value of the land to be acquired by the Army exceeds that of the land to be acquired by the State.

I recommend approval of H.R. 2566.

The bill was ordered to be engrossed

and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 10, UNITED STATES CODE, TO LIMIT THE SEPARATION OF MEMBERS OF THE ARMED FORCES UNDER CONDITIONS OTHER THAN HONORABLE

The Clerk called the bill (H.R. 10422) to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Chapter 59 is amended as follows:

(A) Section 1161 is amended to read as follows, and the analysis item for that section is amended to correspond with the revised catchline:

"§ 1161. Members: limitations on separation under other than honorable conditions

"(a) Under regulations prescribed by the Secretary concerned, a member of an armed force may be separated under other than honorable conditions from an armed force as a result of—

"(1) an approved recommendation of a board of officers upon a finding based on preponderance of the evidence of record, of misconduct (in the case of enlisted members), or of misconduct or moral or professional dereliction (in the case of officers, cadets, and midshipmen), or that the member's retention would not be clearly consistent with the interests of national security;

"(2) resignation or request for discharge in lieu of board action under clause (1) or trial by court-martial, submitted after an opportunity to consult counsel having the professional qualifications prescribed by section 827(b) of this title;

"(3) absence without authority for one year;

"(4) final conviction by a civilian court, or adjudication as a juvenile offender, for an offense the punishment for which under chapter 47 of this title is death or imprisonment for more than one year;

"(5) an aggregate of three separate final convictions during a three-year period (the three-year period next preceding the date of conviction of the last offense) by separate courts-martial, or civilian courts, or both, of offenses the punishment for each of which under chapter 47 of this title is confinement for three months or more; or

"(6) in time of war, by order of the President.

"(b) Under regulations prescribed by the Secretary concerned, which shall be uniform for all of the armed forces—

"(1) the board of officers appointed under subsection (a)(1), and the member, shall have equal opportunity to obtain witnesses and other evidence; and

"(2) the board shall have power to issue process to compel the attendance of witnesses and production of evidence coextensive with the power accorded courts-martial under section 846 of this title.

The Secretaries concerned shall prescribe rules of evidence, including rules as to the taking and use of depositions and ex parte statements, which shall be uniform for all the armed forces, and shall be reported to the Congress.

"(c) Under regulations prescribed by the Secretary concerned, a board of officers appointed under subsection (a)(1) is required to conduct a hearing which affords the member concerned an opportunity to—

"(1) appear before the board and present evidence in his own behalf;

"(2) be represented by counsel having the professional qualifications prescribed by section 827(b) of this title, unless counsel having those qualifications cannot be obtained because of physical conditions or military exigencies, and if such counsel cannot be obtained because of physical conditions or military exigencies, the board proceedings may be held, but separation under other than honorable conditions may not be recommended or approved;

"(3) subject to exceptions prescribed in the rules of evidence, confront the witnesses against him; and

"(4) examine the documentary and real evidence against him.

The member shall be notified in writing reasonably in advance of the proposed hearing and of the reasons therefor. If the member is confined in a civilian jail or penal institution at the time of the hearing, and he is represented by counsel qualified under section 827(b) of this title, it may be conducted out of his presence.

"(d) Except where he cannot be obtained on account of physical conditions or military exigencies, one nonvoting member of the board prescribed under subsection (a)(1) who has the professional qualifications prescribed by section 826(b) of this title shall act as legal adviser and rule on all interlocutory questions which ruling shall be final, and if such legal adviser cannot be obtained because of physical conditions or military exigencies, the board proceedings may be held but separation under other than honorable conditions may not be recommended or approved.

"(e) Under regulations prescribed by the Secretary concerned, the recommendation of a board of officers appointed under section (a)(1) for separation under other than honorable conditions may be appealed by the member to a review board established by The Judge Advocate General concerned, or the General Counsel of the Department of Transportation, as appropriate. Each review board shall be composed of not less than three officers having the professional qualifications prescribed by section 826(b) of this title and, unless it cannot be avoided, each such officer shall be senior to, and outrank, the member. The review board shall determine whether the proceedings before the board of officers appointed under subsection (a)(1) is correct in law and may direct a rehearing. The review board is limited in its consideration to—

"(1) the record of proceedings of the board of officers which, in cases of appeal only, must be a verbatim record; and

"(2) written arguments of counsel based upon those proceedings.

A review board may not recommend that the member be separated under conditions less favorable than those recommended by the board of officers, but it may recommend mitigation of adverse board recommendations. The action of the review board is final with respect to matters of law. With respect to other matters, the action of the review board is advisory in nature with the final decision, except as to matters of law, being exercised by the authority empowered to separate the member. An officer whose case is reviewable under section 1184(b) of this title, or section 323 of title 14, is not entitled to an appeal under this section.

"(f) Except where the findings or recommendations of a board of officers are determined to have been obtained by fraud or collusion, a member who has been retained as a result of proceedings under this section may not be required to appear before another board of officers convened under this section solely for conduct which was the subject of the previous proceedings.

"(g) Except as provided in this chapter, chapter 47, and chapter 60 of this title, or chapter 11 of title 14, a member may not be separated from an armed force under conditions other than honorable.

"(h) Notwithstanding any other provision of law, a commissioned or warrant officer of an armed force, other than a regular component of that armed force, is entitled to the safeguards provided for regular officers under section 1182 of title 10 whenever he is being considered for separation from active duty because of misconduct, moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security."

(B) Section 1163 is amended—

(i) by amending the second sentence of subsection (a) to read as follows: "This subsection does not apply to a separation under section 1003, or a transfer under section 3352 or 8352, of this title.";

(ii) by repealing subsection (b); and

(iii) by striking out "except under subsection (b)," in subsection (c).

(2) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are each amended by inserting the following new item:

"60. Separation of Regular Officers for various reasons"

(3) Part II of subtitle A is amended by inserting the following new chapter after chapter 59:

"Chapter 60.—SEPARATION OF REGULAR OFFICERS FOR VARIOUS REASONS

"Sec.

"1181. Boards of officers: substandard performance of duty; authority to convene.

"1182. Boards of officers: other than substandard performance of duty; authority to convene.

"1183. Boards of inquiry: composition; duties.

"1184. Boards of review: composition; duties.

"1185. Removal of officer: action by Secretary upon recommendation.

"1186. Rights and procedures.

"1187. Officers considered for removal: voluntary retirement or discharge; severance benefits.

"1188. Officers eligible to serve on boards.

"§ 1181. Boards of officers: substandard performance of duty; authority to convene

"The Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned or warrant officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on active duty.

"§ 1182. Boards of officers: other than substandard performance of duty; authority to convene

"The Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned or warrant officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether action should be taken in accordance with section 1161 of this title to remove him from active duty because of misconduct, moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security.

"§ 1183. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the mili-

tary department concerned may prescribe, to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 1181 of this title should be retained on active duty.

"(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"(e) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of that determination, an officer who is required to show cause for retention under section 1181 of this title may again be required to show cause for retention.

"§ 1184. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers shall be convened by the Secretary of the military department concerned, at such times as he may prescribe, to review the records of cases of regular commissioned or warrant officers recommended for removal by a board of inquiry under section 1183 of this title. If after reviewing the record of the case, a board of review determines that the officer—

"(1) has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action; or

"(2) has established that he should be retained on active duty, his case is closed; however, at any time after one year from the date of that determination, he may be again required to show cause for retention in those cases reviewed under section 1181 of this title.

"(b) Boards of review shall be convened in accordance with section 1161(e) of this title to review the proceedings of a board of officers convened under section 1161 of this title in which that board has recommended the removal of a regular commissioned or warrant officer from active duty. It shall send its recommendation to the Secretary of the military department concerned for his action.

"§ 1185. Removal of officer: action by Secretary upon recommendation

"The Secretary of the military department concerned may remove an officer from active duty in the regular component of an armed force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"§ 1186. Rights and procedures

"Each officer under consideration for removal by a board convened under section 1183 of this title shall be—

"(1) notified in writing of the reasons, at least thirty days before the hearing of the case by a board of inquiry, for which the officer is being required to show cause for retention;

"(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the military department concerned, to prepare his defense;

"(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"(4) allowed full access to, and furnished copies of, records relevant to the case at all states of the proceedings.

"§ 1187. Officer considered for removal: voluntary retirement or discharge; severance benefits

"(a) At any time during proceedings under this chapter and before the removal of an officer, the Secretary of the military department concerned may grant a request—

"(1) for voluntary retirement, if the officer is otherwise qualified therefor;

"(2) for honorable discharge under subsection (b) in those cases brought under section 1181 of this title; or

"(3) for discharge under subsection (b) in those cases brought under section 1182 of this title.

"(b) Each officer removed from active duty or a regular component of the armed forces under this chapter shall—

"(1) if he is eligible for voluntary retirement under any law on the date of his removal, be retired in the grade and with the pay for which he would be eligible if retired at his request;

"(2) if he is ineligible for voluntary retirement under any law on the date of his removal, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned or warrant service, as the case may be, but not more than twelve, by one month's basic pay of that grade in those cases brought under section 1181 of this title; or

"(3) if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned or warrant service, as the case may be, but not more than twelve, by one month's basic pay of that grade in those cases brought under section 1182 of this title.

"§ 1188. Officers eligible to serve on boards

"(a) No officer may serve on a board under this chapter unless, with respect to the Army and Air Force, he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board. No officer may serve on a board under this chapter unless, with respect to the Navy and Marine Corps, he is serving in a grade above commander in the Navy or lieutenant colonel in the Marine Corps, and is senior in grade to any officer considered by that board.

"(b) No person may be a member of more than one board convened under this chapter for the same officer."

(4) Subtitle B is amended by repealing chapters 359 and 360.

(5) The chapter analysis of subtitle B and the chapter analysis of part II of subtitle B are each amended by striking out the items relating to chapters 359 and 360.

(6) Subtitle D is amended by repealing chapters 859 and 860.

(7) The chapter analysis for subtitle D and the chapter analysis of part II of subtitle D are each amended by striking out the items relating to chapters 859 and 860.

SEC. 2. Notwithstanding any other provision of law, the separation of any commissioned or warrant officer of the Coast Guard under clause (2) of section 321 of title 14, United States Code, shall be in accordance with the applicable procedures and safeguards set forth in section 1 of this Act.

SEC. 3. This Act shall become effective on the first day of the sixth month following the month in which it is enacted.

Mr. BENNETT. Mr. Speaker, the purpose of H.R. 10422 is to prescribe the circumstances in which a member of an armed force, either enlisted, commissioned or warrant officer, may be administratively separated therefrom under other than honorable conditions, and to assure that certain basic rights be extended to members who are subjected to such administrative action.

With the exception of certain statutory provisions set forth in several chapters of title 10, United States Code, pertaining to the administrative elimination of officers of the Army and Air Force, the procedures and rights governing the administrative elimination of members of the Armed Forces under other than honorable conditions are governed entirely by regulation. The bill establishes, with the status of Federal law, uniform authority, criteria, procedures, and rights governing the administrative elimination under other than honorable conditions of enlisted and officer personnel of the Army, Navy, Marine Corps, Air Force, and Coast Guard. Heretofore, neither statutory authority for nor procedures or criteria governing the administrative elimination of naval and Marine Corps officers under other than honorable conditions has existed.

The proposal is addressed to procedures under which an administrative discharge under other than honorable conditions may be awarded, but does not change the substantive criminal law, its definitions or sanctions.

The proposed legislation provides that a member of an armed force can be separated under other than honorable conditions only as the result of:

First, an approved recommendation of a board of officers based upon the preponderance of the evidence of record, of misconduct—in the case of enlisted members—of misconduct or moral or professional dereliction—in the case of officers, cadets, and midshipmen—or a finding that the member's retention would not be clearly consistent with the interests of national security;

Second, resignation or request for a discharge in lieu of the board action mentioned above, or in lieu of trial by court-martial;

Third, absence without authority for 1 year;

Fourth, final conviction by a civilian court or adjudication as a juvenile offender, for an offense for which under the Uniform Code of Military Justice the punishment is death or imprisonment for more than 1 year;

Fifth, an aggregate of three separate final convictions during a 3-year period by separate court-martial, or civilian courts, or both, for offenses which under the Uniform Code of Military Justice the punishment is confinement for 3 months or more; and

Sixth, in time of war by order of the President.

Mr. Speaker, I feel that this is one of the finer bills our committee has worked on this year. It was gone into in great depth, and I believe it is a real breakthrough for constructive improvement in the procedures for handling discharges under other than honorable conditions and I urge passage of this proposed legislation.

Mr. BOB WILSON. Mr. Speaker, over the years many Members of Congress, various congressional committees, and bar associations have been concerned over repeated complaints about the administrative discharge practices in the services—with particular reference to the separation of enlisted personnel. This has been particularly evident since the enactment of the Uniform Code of Military Justice. Recently there has been an added emphasis on administrative sep-

arations as a substitute for punitive action, and cases have been reported alleging that undesirable discharges were awarded under procedures that lacked the fundamental protections of administrative due process.

There have been improvements over the years, but these improvements have been administrative in nature and not subject to the strict compliance requirements inherent in our statutes. The committee has no doubt of the serious consequences of discharges under conditions other than honorable and of the absolute need for statutory regulation in that area. Indeed, a judge on the Court of Military Appeals has said that, generally, one may be better off with a bad conduct discharge than an undesirable discharge, since the latter is "very severe."

So far as is possible in the legislative process, this proposal is designed to cure those problems by prescribing the circumstances under which a member of an armed force may be separated administratively under other than honorable conditions.

This measure provides for quasi-judicial hearing board procedures conducted by an attorney, an application of sound rules of evidence, and an opportunity for appellate review. The only exceptions are when the respondent has been found guilty of a lengthy absence for a year or more,when he has been convicted of a felony, is a repeated offender or waives board procedures.

In addition, officer cases involving misconduct or dereliction will be handled exactly the same for all of the services with every opportunity for a hearing in accordance with the standard tenets of administrative due process.

I urge my colleagues to support this measure which is a real step forward in the administration of military discharge procedures.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CENTRAL ADMINISTRATION OF TRAINING PROGRAMS FOR VA INTERNS OR RESIDENTS

The Clerk called the bill (H.R. 10879) to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my colleague, the chairman of the Committee on Veterans' Affairs if this is also approved by the current Department of Veterans' Affairs?

Mr. TEAGUE of Texas. Mr. Speaker, the Department of Veterans' Affairs asked for this legislation.

Mr. HALL. I thank the gentleman, Mr. Speaker. The report was signed by a former Administrator, and I wanted to be sure.

My second question is only in the interest of the bill itself, I will assure the gentleman. Does the gentleman know what pay scales are planned for interns and residents in the hospitals of the Medical Division of the Department of Veterans' Affairs, and whether they will be comparable or competitive with the "going rate" for residents and interns who are training in civilian hospitals?

Mr. TEAGUE of Texas. Of course, the gentleman is very familiar with the intern program within the VA and he knows they are not. We have had that matter under consideration. However, we have talked with the VA and they have asked for this legislation.

Mr. HALL. Mr. Speaker, I understand that, and as the gentleman says, I am familiar with this; but I repeat that I ask these questions only in the interest of this legislation—that is, in order to expedite it. I think a little legislative history needs to be made. I am one of those who helped form the original Dean's committees for the majority of the Veterans' Administration hospitals. I have followed it as a physician through the years, and of course, particularly since I have been on the House Committee on Armed Services, and second, as one of the "doctors in the House"—to use a cliche. My only interest is that, inasmuch as the legislation gives the Administrator, any Administrator now or in the future, carte blanche to set the fees and stipends; will he and the committee in its oversight be certain that it is not overdone, does not force additional inflationary spirals, and that the competition for these "helpers under supervision of preceptors" who thus enhance their training experience and specialist education, do not become excessive and get out of hand?

We must see that they are not out of line. If the gentleman has discussed this with the Administrator, that is quite satisfactory to me.

Mr. TEAGUE of Texas. Of course, it has been. The hospitals work with it.

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 10879 is identical with a draft proposal submitted by the Administrator of Veterans' Affairs to the 91st Congress which has subsequently introduced but was not acted upon by that Congress. The bill would authorize the Administrator to enter into agreements with hospitals, medical schools or medical installations for the central administration of interns and residency training and would allow him to expend appropriated funds for the purpose of paying to the central administrative body the costs involved for the periods during which the trainees serve with the Veterans' Administration.

The committee is advised that in the department of medicine and surgery there are several types of residency and internship programs. This bill is designed to reduce the administrative complexity in the operation of certain types of residency and internship programs.

Under the present programs, there are three types of residents and interns: First, those whose residency program is established and directed by a Veterans' Administration hospital and who, although they may serve a portion of their residency in other hospitals, receive the entire amount of their stipends, fringe benefits and leave privileges under Veterans' Administration regulations; second, those whose residency program is established and directed by other than a Veterans' Administration hospital but who serve a portion of their residency in a Veterans' Administration hospital, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital; and third, those whose residency program is established and directed jointly by a Veterans' Administration hospital and one or more participating institutions and who serve on a rotating basis in the participating institutions, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital. It is in the latter two types that administrative problems arise, and this bill is designed to minimize those problems.

The reports of the present Administrator and his predecessor, which are included in the committee's report, explain in specific detail the procedures which would be authorized for achieving the desired central administration cost. The committee is persuaded that the enactment of this bill would enhance the Veterans' Administration's ability to participate in this important area of medical personnel training.

The Veterans' Administration advises that the enactment of this proposal would result in no additional net cost to the Government and the committee concurs in this view.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provisions of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administration agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection. (B) hospitalization, medical care, and life insurance, and any other

employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employees benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident of the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF COTTON GINNING CENSUS REPORT DATES

The Clerk called the bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

There being no objection, the Clerk read the bill, as follows:

S. 932

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled, That section 43 of title 13, United States Code, is amended to read as follows:

"§ 43. Records and report of cotton ginners

"Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the completion of the ginning season, but not later than the March canvass, of each year a segregation of the total number of bales ginned by counties or parishes in which grown."

With the following committee amendment:

On page 1, line 5, strike out "report" and insert in lieu thereof "reports".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO TWENTYNINE PALMS PARK AND RECREATION DISTRICT

The Clerk called the bill (H.R. 9346) to convey certain federally owned land to the Twentynine Palms Park and Recreation District.

There being no objection, the Clerk read the bill, as follows:

H.R. 9346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described land are hereby conveyed to the Twentynine Palms Park and Recreation District:

Commencing at a point on the west line of section 33, township 1 north, range 9 east, San Bernardino base and meridian, California, 139.5 feet north of the southwest corner of the northwest quarter of said section, thence north along west line of said section 208.71, thence east parallel with the south line of said section 208.71 feet, thence south parallel with the west line of said section 208.71 feet; thence west parallel with the south line of said section 208.71 feet to the point of beginning, containing one acre, more or less.

With the following committee amendment:

Page 1, line 5, strike out "District:" and insert: "District, subject to the provisions of section 2:" and on page 2, after line 3, add a new section 2:

"SEC. 2. The land conveyed by this Act shall be used only as an Indian cemetery and a historical museum site for the interest of the general public, and title to the land shall revert to the United States if the land is used for any other purpose."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

DISAPPROVING THE ALTERNATE PLAN, DATED AUGUST 31, 1971, FOR PAY ADJUSTMENTS FOR FEDERAL EMPLOYEES UNDER STATUTORY PAY SYSTEMS

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 596) disapproving the alternate pay plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution House Resolution 596, with Mr. ROUSH in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. The general debate on the resolution will be limited to not to exceed 2 hours, to be divided equally between the gentleman from New York (Mr. DULSKI), who will control the time in favor of the resolution, and the gentleman from Iowa (Mr. GROSS), who will control the time in opposition to the resolution.

The Chair recognizes the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the pending disapproval resolution merits the support of every Member of this body.

This issue is one of simple fairness. Adoption of the resolution leaves the Chief Executive with the same control over Federal pay which he has over pay in the private sector. These sectors deserve equal treatment.

The Chief Executive has the authority under the law to offer an alternate comparability pay plan for Federal workers, which he did on August 31.

But in exercising that right during a wage-price freeze he has singled out Federal workers for special treatment. He proposes to lock them into a formula before he announces what he intends to do about control of wages in the private sector.

I have no idea what the Chief Executive will decide to do when the freeze on wages expires next month. I am not insisting or even proposing that he be required to announce his plan at this point.

But neither do I think that it is fair for him to freeze one element of the economy on wages without giving any hint or otherwise as to how he plans to deal with the rest of the work force after the current freeze expires.

I am quite aware of the eleventh hour appeal that came from the Florida White House over the weekend. . . . Those words from among the palm trees at Key Biscayne.

In the words of one of our Nation's great statesmen: "Let's look at the record!"

Indeed, it is perhaps surprising that the Chief Executive should have taken this discriminatory action against Federal employees in the light of his own record.

I would like to cite three excerpts from the remarks by this same person when he was campaigning for the office of Chief Executive.

He said on September 24, 1968:

Federal employees in my Administration are not going to be treated as numbers in a machine or a second-class citizens.

On that same day he also said:

The Republican platform provides for insuring comparability of Federal salaries with private enterprise pay.

He said further:

Finally, I intend to direct appropriate officials of the Administration to examine the comparability of all areas of fringe benefits, including Federal employee retirement benefits particularly with social security and railroad retirement programs.

These are the verbatim quotations from remarks 3 years ago by the same individual who as Chief Executive issued an Executive order this past August 31

providing discriminatory treatment for Federal workers.

It is true that the Federal Pay Comparability Act of 1970 requires that the Chief Executive issue an order by August 31 if he intends to offer an alternate plan.

But his alternate plan this year consisted simply of a 6-month delay in the effective date of the next comparability adjustment to be based on the 1971 figures compiled by the Department of Labor.

Instead of proposing a delay, the Chief Executive could have treated the Federal workers equally and, therefore, more fairly if he had instead proposed the no-more, no-less plan recommended by our committee. Our committee has reported out H.R. 10881 which provides that Federal workers should receive identical treatment with whatever restrictions may be placed on the workers in the private sector under phase II.

Therefore, let it be very clear that in offering the pending resolution, we are not asking for anything extra for Federal workers. Rather, we are asking that Federal workers have equality in treatment with all workers in the civilian economy.

This was the clear intent of the members of my committee when we ordered this resolution reported.

In sponsoring and approving H.R. 10881, our committee spells out our legislative intent that Federal workers should receive either no more or no less than proportionate adjustments for other workers which are permitted under the President's yet to be announced post-freeze plan.

It had been our hope that the House first would have a chance to vote on H.R. 10881, but the parliamentary situation has changed. Nevertheless, if this pending resolution is approved, it still is my firm intention to press for action on H.R. 10881 so that our congressional intent will be more than verbal legislative history. It will be an action of the Congress spelling out in black and white what we mean.

Perhaps, ironically, the pending resolution concerns the first function of the permanent semiautomatic method of adjusting Federal pay as set up in the law which became effective last January.

Over the years, the matter of Federal pay legislation has been left to the Congress to handle on a periodic basis.

In order to eliminate the pressure and frustrations of handling Federal pay schedules by separate laws, our Post Office and Civil Service Committee came up with this new system.

Carefully incorporated into the plan is the provision for allowing the administration to offer alternates subject to congressional veto.

It is regrettable that in this first function of the system, the Chief Executive has acted unfairly in exercising his right to offer an alternate plan subject to congressional veto.

The unfairness occurs because he has chosen to delay the functioning of the system at this uncertain time of a wage-price freeze when there is no information on what he plans to do with regard to workers in the private economy after the freeze.

I want to emphasize that the Chief Executive has the authority to control the pay of Federal workers in exactly the same manner in which he imposes restrictions on wage adjustments in the private sector.

It is my firm conviction that the Chief Executive under his order has chosen to distort the intention of the Federal Pay Comparability Act of 1970 as it relates to his policies affecting the Nation's economic health.

Further, he has gone against his own pledge of 3 years ago—his pledge to treat Federal workers exactly as workers in the private sector are treated.

Mr. Chairman, I feel strongly that there is every justification for the House to support our committee and adopt the pending disapproval resolution.

Such action need have no effect upon the administration's economic policies as they apply to phase II.

The Chief Executive will have the same authority which he has had right along to control wages and prices in both the public and private sectors.

I urge my colleagues to support the pending resolution.

Mr. Chairman, as a part of my remarks I include the texts of excellent editorials from two of the Nation's leading newspapers:

[From the New York Times, Sept. 21, 1971]

PARITY FOR FEDERAL EMPLOYEES

The Administration effort to build a special refrigerator to freeze the wages of Federal employes has suffered a merited rebuff at the hands of the House Post Office and Civil Service Committee. Whatever rules are established by President Nixon to curb the wage-price spiral after the present over-all freeze expires Nov. 13 ought to apply to Government workers, but there is no justification for imposing upon them an arbitrary six-month delay in the 6 per cent pay increase they are scheduled to get next Jan. 1.

The obligation on the Government for evenhandedness is made greater by the fact that the whole point of the projected increase is to bring Federal employes level with the standards prevailing for comparable work in the rest of the economy. Perhaps the greatest test confronting the Administration in making Phase Two of the general stabilization program work effectively is to convince the American people that it is based on equal treatment for everyone, to the maximum extent possible in this ramified economy. Putting Federal employes in an unwarranted position of special sacrifice is a poor model for that kind of program.

[From the Washington (D.C.) Evening Star, Sept. 18, 1971]

NO MORE, NO LESS

Federal employes and their families have just as much to gain as all other Americans if President Nixon's economic measures prove successful.

And federal employes are prepared to do their part along with all other Americans in whatever national sacrifices are necessary.

But Mr. Nixon's action in ordering a six-month delay in government pay raises, compared to only a 90-day pay freeze for the private sector, is discriminatory and unfair.

All government employes want is to be treated the same as their fellow Americans—no more and no less.

Administration arguments that defeat of the President's six-month federal pay delay by Congress would wreck his anti-inflation and economy recovery program don't stand up. The President still has broad authority under the stabilization act to make certain that federal pay raises don't exceed those of industry during the second stage of his program.

Consequently, the absolute six-month federal pay delay move by the President should be modified and government salaries adjusted at the same pace and rate as those in the private sector. Treating government employs as second-class citizens will inevitably lead to second-class government.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 280]

Addabbo	Fraser	Minshall
Annunzio	Frelinghuysen	Murphy, N.Y.
Ashley	Galifianakis	Passman
Blatnik	Gallagher	Pelly
Brasco	Giaimo	Pepper
Byrne, Pa.	Gray	Price, Ill.
Byrnes, Wis.	Hanna	Reid, N.Y.
Casey, Tex.	Hungate	Rodino
Chisholm	Hunt	Runnels
Clark	Ichord	Scheuer
Clawson, Del	Kuykendall	Selberling
Clay	Landrum	Smith, Calif.
Conte	Leggett	Stanton, James V.
Conyers	Long, La.	Steele
Daniels, N.J.	Lujan	Steiger, Wis.
Dellums	McClory	Stephens
Denholm	McCloskey	Stokes
Dent	McClure	Stratton
Diggs	McEwen	Stuckey
Dorn	McKevitt	Teague, Calif.
Edwards, La.	Martin	Thompson, N.J.
Eshleman	Mikva	Vander Jagt
Evins, Tenn.	Miller, Calif.	Widnall
Flynt	Minish	

Accordingly the Committeee rose, and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the resolution, House Resolution 596, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the pending resolution.

We are going to hear a great deal today about the cost of this proposal, the problems of inflation, the imbalance of our Federal budget, and the fact that the Federal Government cannot afford a pay increase.

We have heard that same argument over and over and over again, every time we have proposed a pay increase for Federal employees in the past. But those views did not prevail, and somehow or other our Nation has survived.

I have often wondered what kind of personnel setup we would have in the Federal Government if those views had prevailed in the past.

Now, I am all for economy, just as much as the opponents of this resolution, and I will match my record on economy with the record of most of those who will be speaking against this resolution today.

I am a former employer, and I learned that one cannot compete successfully with other people in an industry and be more efficient by paying substandard wages to his employees. One has to pay competitive wages if he is going to compete in business.

The Congress has acknowledged this fact of life. We have adopted a policy, which this resolution reaffirms here today, that we are going to pay equal pay in the Federal Establishment for equal work, for work that is comparable with similar positions in free enterprise.

Mr. Chairman, I support the pending freeze on wages and prices. I do not feel there should be any exceptions to it. But if we are going to lift the freeze and let wages be increased in other industries, then why should we make an exception and prohibit Federal employees from receiving similar increases?

The wage increases in the past for Federal employees did not start or cause the spiral of increase in wages. On the contrary, the law provides that Federal salaries increase after salaries in private industry for similar work is increased.

Unfortunately, we are always several months behind in our effort to catch up. If this resolution is not adopted today, it will cause even further delay. I say further delay is unfair and we would be reneging on our commitments to our Federal employees.

Incidentally, if we cause a further 6-month delay in these increases, this will cause some of these employees who are planning on retiring in the next 3 years a reduction in their annuities for the rest of their lives.

Mr. Chairman, I repeat I am all for economy. All of us are for economy. But if we want to economize, we should economize by a cut in the number of employees and not a cut in the quality of those employees. How can we cut the number of employees? By merely cutting back on the programs that we have enacted. A 10-percent reduction in foreign aid is not sufficient. Unless we are willing to cut back on the Federal programs in some of our own pet projects, we should not point the finger of scorn at those of us who are trying to provide the proper salaries for Federal employees. We should not try to economize by providing substandard wages for our Federal employees.

Mr. GUDE. Mr. Chairman, will the gentleman yield to me?

Mr. BROYHILL of Virginia. I am happy to yield to my colleague from Maryland.

Mr. GUDE. Mr. Chairman, I want to commend the distinguished gentleman from Virginia on his remarks. He has long worked on behalf of the Federal employees to give them comparability with others outside the Federal civil service, and he well deserves being called the champion of the Federal employee. My colleague served on the Post Office and Civil Service Committee for many years which is where he first demonstrated his deep concern for these workers and earned his reputation. He has sponsored and fought for improved employee benefits constantly.

Most recently, Representative BROYHILL spoke in behalf of increasing the Federal Government's contribution to employees' hospitalization which would relieve some of the pain if this resolution does not pass today.

I feel that the defeat of this resolution will indeed be a setback. As my colleague has stated:

> We cannot compete successfully with other people in an industry and be more efficient by paying our employees substandard wages.

I, too, support the pending freeze on wages and prices, and I do not feel that there should be any exceptions. However, if exceptions are to be made, it certainly appears to be unfair to single out civil service and military personnel for denial of comparability pay increases 7½ months beyond the lifting of controls on the private sector.

If we accept the principle that Federal employees should be treated equally and equitably when their rate of pay is determined, then we also undoubtedly will accept as a fair American principle that the Federal employees' sacrifice should be only equally as burdensome as that asked of any other workers. In the name of equity, how can we ask these workers to make any greater sacrifice than would be asked of any other group? Unless we act favorably on this disapproval resolution, the wage-price freeze for Government employees will last, not the 90 days that all other Americans are being asked to accept, but, rather, the freeze for Federal employees would last more than 290 days.

The Federal employees are seeking only equitable treatment, not preferential consideration, in asking our passage of House Resolution 596. If the administration hopes to make phase II of the program work effectively, it must convince everyone that it is based on equal treatment for all. Putting Federal employees in this unwarranted position of sacrificial lambs is a poor model for that kind of program. I feel very strongly that all Americans must be treated equitably in any economic stabilization program, and, therefore, I support House Resolution 576.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

I would like to express my personal disappointment at the fact that even though I am a member of the Committee on Post Office and Civil Service, I was unable to get time on my side of the aisle to give my views because they do not happen to coincide with those of the leadership or the President.

However, I would like to associate myself with the remarks of the gentleman in the well and say that what we are doing for Government employees is what we are doing for those in the private sector, no more and no less.

Mr. GROSS. Mr. Chairman, I yield myself 1 minute to respond to the assertion of the gentleman from Maryland (Mr. HOGAN) that he was not able to get time.

The gentleman from Maryland (Mr. HOGAN) came to me just a minute or so ago, after practically all of the time had been allocated, to ask for time. Had he made his request earlier, he could have had time.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Chairman and Members of the House, I am imposing on your time here because I know of no issue that has confronted this House this session or one that is forthcoming that is as important as the matter you are going to be called upon to vote on here today.

The issue, I say to my friends, is plain. Every man in this House as well as the distinguished other sex is aware of the fact that the greatest problem that faces this country today is not communism, but the thing that is uppermost among the enemies of this country is inflation. For if we lose the battle against inflation, we will have lost everything.

Some people do not like the idea that the President has asked to defer this pay raise for 6 months.

It does not mean that the Federal employees are not going to get a pay raise. The President has merely asked that that pay raise be deferred because of the effect that it would have on all other segments of the economy.

My friends—and I want you to remember this now—if you break the line today, if you open the dikes, then the inflationary fields will become flooded. How is the President going to do the job we gave him; how is anyone going to hold the line, if you, the responsible Representatives of the people of this country, refuse to hold it?

I am sure that we have all heard from many of the officers of the Federal employee unions. I am not sure, while I do not disparage their motives, that they serve the Federal employees best by insisting on opposing the President's order delaying their pay increase for 6 months. I suspect that I have more Federal employees in my congressional district than the average Member of this body. Most Federal employees are intelligent, reliable people. I am confident that when they analyze the situation that they will agree that their best interest lies in curbing runaway inflation.

I am going to respond to my Federal employees—and I have more than most of you do—I am going to respond to them by doing the thing that is for their best interest in the long run, because it will not benefit them if they get a pay raise in January rather than in July if the cost of all the commodities that they consume are raised.

Let me say to those of you who are politically minded—and I am sure that that is very few—this is not a party issue. If it is a party issue, then I want to say to you that the President of the United States in my judgment has got the advantage because the people of the country are behind him and you are going to find it out.

If this resolution is approved here to-

day—and I have no inside information or access to the White House—I say to you you can expect to see the President of the United States in my judgment go on the air and lay the responsibility for the breaking of the line right here where it belongs.

Mr. Chairman, two members of the committee, Congressman HENDERSON of North Carolina, a Democrat, and Congressman GROSS of Iowa, a Republican, will point out to you the logical and practical reasons why this resolution vetoing the President's order should be voted down. I can only appeal to you in all sincerity to uphold the President in this important matter.

Mr. Chairman, the Nation's house is on fire, engendered by ruinous and ever increasing inflation. This resolution would, if approved, add fuel to the flames.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I have the sneaking suspicion that most Members have made up their minds, having been called back by our respective party leaders to participate in this high-level legislative action.

Mr. Chairman, when you clear away the smoke raised by labor leaders in the debate over the resolution of disapproval of the President's alternate pay plan for Federal employees, either these so-called leaders are tremendously shortsighted or they are simply using the Federal employee to go after bigger political game.

Should these so-called leaders succeed in their mission to destroy a critical part of the President's economic program, who is the loser? It is certainly the Federal employee.

If this group commands the votes to force a Federal pay raise in January, thereby committing upwards of $1.2 billion that the President has announced must be trimmed from the 1972 budget, where then must this money come from? Have these so-called leaders considered the fact that a reduction-in-force of Federal employment is a looming alternative? The President, in announcing a 5-percent reduction in Federal employment by July 1972 has indicated that such a reduction will come through attrition, as well it might without hardship. However, should his hand be forced in the direction of a January pay increase, then massive cuts in Federal employment may be necessary to accomplish the projected reductions in budget outlays which are essential to his economic program.

Should this group of so-called labor leaders succeed in breaking the dike against inflation through passage of House Resolution 596, who stands to take the brunt of the inflationary tidal wave that would follow? None other than the middle-level Federal employee whose neck these so-called leaders are putting on the block.

These so-called labor leaders fail to recognize that the alternative pay plan submitted by the President is the best of all alternatives available to him in the face of national economic crisis. The President has pledged a full comparability pay adjustment in July, just 6 months later than it would have taken effect under the provisions of the comparability pay act of 1970. And looking down the road, under the provisions of this same act, another comparability adjustment is due in October 1972.

Have these shortsighted so-called leaders considered the effect their action today will have on Federal pay adjustments in October or even in the following year? I suggest that any short-term benefits that these so-called labor leaders may achieve today will seriously imperil the long-range picture of Federal comparability adjustments.

I believe that Federal employees have the ability to look around and detect just what it is that these so-called labor leaders are doing to them in this concerted labor effort to torpedo the proposals of the President to clamp the lid on inflation, to overcome unemployment, and to restore the economic health of the Nation.

I suggest these so-called labor leaders are playing politics with issues that go far beyond the matter of whether or not Federal pay increases are delayed 6 months—and in doing so they are dangerously inciting inflationary forces and are risking the economic well-being of 200 million Americans.

Mr. Chairman, at this point I believe it is in order for me to discuss another important question before us.

Even though we for the most part, certainly more so than the other body, conduct ourselves as diplomats and statesmen, we do occasionally recognize the practical world of politics and the reaction of the public which, in about 13 months, will be facing most of us.

I would suggest to the Members, especially those who were not here in 1967, that they review the legislative package that was part of the postal rate and Federal employee salary increase. The House Committee on Post Office and Civil Service, which produced this statesmanlike item which we are debating today, wrote into the law the new procedure by which in January of 1969 we, the Members of the Congress, received a pay increase to $42,500 which was approximately, I believe I am correct, a 41-percent pay increase.

It was a fact that this raise was of course recommended to the Congress by retiring President Johnson, objected to by a few Members, with one Member heroically refusing for at least a year or so to accept the pay increase, but it is also a fact that the pay raise for Members of Congress, Federal, judiciary, and certain executive branch personnel drew an adverse public reaction and added nothing to aid the image of Congress as a prudent legislative body.

Mr. Chairman, although, at the time, I joined in the minority views opposing the congressional pay procedure just as I have joined in the minority views opposing the resolution before us, I would say most of the ladies and gentlemen of the Congress are certainly worth the $42,500 they are being paid. But I think anyone who is in position to be objective would agree with me that this was as bad a precedent and had much to do with triggering the inflationary wave that swept the country, as any single action by a body of the Government.

The example of the huge pay increase granted in this action was certainly publicized and commented on whenever the matter of employee compensation was debated and psychologically it became impossible for the Congress to lecture an industry, lecture a company, lecture a union on what was a commonsense approach to wage and salary increases having set a precedent that continues to haunt us. And we have taken more abuse, and properly so, from the public on that congressional pay raise than anything we have done in the period from 1967 up to the present time.

I would suggest to the Members of the House of Representatives that if we follow through this afternoon and wipe out the action that the President has commenced to halt inflation and, in effect, dictate a political rather than commonsense economic Federal policy, we will break the back of the battle that is being fought against inflation, the battle that is being fought to stabilize prices, the battle that is being fought to end unemployment, because we will in effect say that here in the Congress for obviously political purposes, we are willing to restimulate the spiral of inflation, weaken our dollars at home and abroad, and add complications to the entire economy.

I would suggest that rather than being political, the position that should be taken at this point is to overwhelmingly reject the majority position of the members of the House Committee on Post Office and Civil Service. There might be some short-term political advantage, there might be a few hurrahs in the forthcoming conventions of a few of the Federal employee groups, but this resolution is against the best interests of the Federal employees, it is against the best interests of the taxpayers of the country, and it will probably do more to restimulate the inflationary process than anything pending on the horizon.

So I would certainly hope this afternoon that we reject politics, and that we take a statesmanlike approach and keep in mind the adverse effect that the congressional pay raise had on the atmosphere of the country, and let us reject the resolution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, it is, indeed, unfortunate that this resolution—House Resolution 596—is necessary to give our Federal employees what they are justly entitled to in a commitment made by the Congress in Public Law 91-656. We assured these Government workers that they would enjoy pay comparability with employees in private industry. This pay adjustment was scheduled to start January 1972. I think it is well to remind the Members of this House that this guarantee was made to the Government employees long before

the so-called Presidential freeze on August 15.

All the Government employees and most of the American public know that this House and also the Senate, in December 1969—approximately 22 months ago—gave the President complete power and authority to curb and place ceilings on prices, wages, and so forth. The President, at that time, had complete authority to call in the Federal Reserve Board to curb, reduce and stabilize the fabulous and scandalous rising high interest rates that existed then and has increased several times in the last 22 months. The President would not throw this 6-month financial burden on the Federal employees had he carried out the authority given him by Congress 22 months ago in our fight to curb inflation. During the intervening period between December 1969 and when he made his 90-day freeze declaration on August 15, steel, automobiles, furniture, food prices, rents, and so forth, have been increased many times by industries, conglomerates, business, interest rates, and so forth.

Can any well-informed citizen understand why the President delayed and allowed the inflation fires of our economy to spread and expand over this long period of inaction.

Only last Thursday the Ways and Means Committee appeared before the Rules Committee with the President's recommendation of his so-called second phase legislation to take the place of the 90-day freeze. The members of the Ways and Means Committee who appeared before the Rules Committee on last Thursday could give no reasonable explanation why a 7-percent investment tax credit should be granted industry, business, and conglomerates to aid them in conducting their highly profitable business. Maybe the White House economy experts thought by deducting 6 months pay raise from the Federal employees would be a start toward offsetting the multibillion-dollar tax bonanza they are donating to industry, business, and the large conglomerates.

Some members of the Ways and Means Committee testified last Thursday that this 7-percent bonanza was a reduction from the 10 percent the President recommended that the American taxpayers should give big industry to aid them in improving their plants with machinery, equipment and so forth. My congressional district is probably one of the largest industrial congressional districts in the United States. As of today there is no immediate need whatsoever for new machinery in the steel mills, oil refineries, and about 200 other industries, large and small, in my area because a large percentage of their present installations are idle. I would like to quote from the August 1971 issue of the Monthly Economic Letter of the First National City Bank of New York:

Earnings in the second quarter rebounded almost to pre-recession peaks. Both sales and margins improved. . . . Reports from nearly 1,300 non-financial corporations tabulated by the First National City Bank's Economics Department showed an average year-to-year increase of 11 percent in after-tax earnings in the second quarter. In the first quarter, in this same group of firms had a 7 percent rise in profits. . . . Only four quarters in the past two decades have shown a more widespread advance in profits.

During the Nixon administration high interest rates and profits from business have been fabulous and this applies to foodstuffs, clothing, furniture, and so forth. Members of the Ways and Means Committee who appeared last week were unable to explain why this trickle-down financial policy should give big industry a tax bonanza of this magnitude. This so-called tax credit will cost the American taxpayer, including public employees, approximately $40 to $50 billion in the next 4 or 5 years. The audacity and brazenness of asking the public employees to forfeit 6 months of a long-awaited salary increase is beyond explanation of even the most eager of the profiteers.

Just imagine what could be done with the billions of tax credits to business, industries, banks, and so forth, if it were diverted into the needs of the public and also help put this idle machinery and equipment to work in thousands of plants throughout the country. To mention but a few necessities to expand the American economy.

The Federal employees if they could receive this 6-month increase which was promised, could more greatly aid in buying power and help reopen the factories and so forth.

America needs schools and hospitals, parks, and recreation areas.

America needs a vast expansion of medical facilities and medical personnel.

America needs 25 million new housing units.

America needs new, efficient, low-cost transit systems in every major city.

America needs new waste-disposal systems, new technology and new hardware to extract poisons from the air, the water, and the soil.

Public investment and buying power in short, is precisely what America needs to strengthen the economy and provide millions of much-needed jobs. With 6.1 percent of the labor force jobless—5.1 million workers without employment—the United States needs incomes and purchasing power to put these people back in the marketplace to buy the goods of plants now idle.

Mr. Chairman, I ask consent to include with my remarks a resolution of the Democratic Steering Committee at its meeting on last Thursday:

SEPTEMBER 29, 1971.

ENDORSEMENT OF HOUSE RESOLUTION 596 AND H.R. 10881

The House Democratic Steering Committee met and unanimously adopted the following Resolution which was offered by the Majority Leader:

"Whereas the Congress in Public Law 91–656 made a commitment to Federal government employees that they would enjoy pay comparability with employees in private enterprise, and Whereas President Nixon's proposal to postpone the comparability pay adjustment for Federal employees scheduled for January 1972 to July 1972 is inequitable because it would discriminate against Federal employees in apportioning the burden of wage controls, be it resolved by the House Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for House Resolution 596 disapproving the delay of the comparability pay adjustment from January 1972 to July 1972. The Democratic Steering Committee also endorses H.R. 10881 which would insure equal treatment for Federal employees in pay adjustments accorded employees in private industry."

Prior to the adoption of the Resolution, Chairman Thaddeus J. Dulski (D., N.Y.) of the House Post Office and Civil Service Committee, and Representative Morris K. Udall (D., Ariz.), presented statements in support of H. Res. 596 and H.R. 10881. Both Speaker Albert and Majority Leader Boggs also recommended the adoption of the Resolution endorsing H. Res. 596 and H.R. 10881.

RAY J. MADDEN,
Chairman.

The CHAIRMAN. The Chair will advise the gentleman from Indiana that permission to revise and extend his remarks in the Committee of the Whole was properly granted, but permission to include his resolution must be obtained in the House.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, let me preface my remarks with a response to part of the statement that the gentleman from Indiana (Mr. MADDEN) made. He indicated that postal workers were included in this bill. However, pay and working conditions of postal workers are decided by long-term contracts. Congress, in its wisdom, took away its authority and the authority of the President to determine pay and working conditions of postal workers.

But this bill does, in fact, cover a large number of Government employees. We often hear here in the House that we should vote our district. I am going to vote my district, but I am going to vote against this resolution. I make that statement because even though I believe I have as many Government employees in my district as any Member of the House, I also believe it is the interest of the Government employees to control inflation and to stimulate the economy.

Federal employees and their representatives come to us from time to time. They come seeking better retirement benefits than they have, or they want other fringe benefits. They used to come seeking increases in their pay. But if we have a poor economy, if our Nation's health, economic health, is not good, Federal employees are not going to get the things they seek from the Congress.

My district includes part of Metropolitan Washington. Many Members on the Hill live within the Eighth District of Virginia. Many other Government employees from agencies throughout this city live in my congressional district. We have Fort Belvoir, Quantico, the Naval Weapons Laboratory, at Dalgren, and we have Camp A. P. Hill. I do not believe there is any district in the country with more Federal employees. However, inflation overrides the interests of any special group, be they Government employees or otherwise.

I think that we might also look to the alternatives open to the President in the event this resolution is approved. He in-

dicates that he wants to cut Government spending by $5 billion. And that would include a reduction of 5 percent in the number of Government employees. That would primarily be taken care of by attrition. But if we go ahead and permit this increase in pay in January, the President may well—and the suggestion has been made that he will—look for other places to cut Government expenses and this could be a reduction in employment and could not be achieved by attrition. The Government employee is much better off with a job than without one. He is also much better off if we have a sound economy.

This legislation, in my opinion, would constitute a break in the dike. It would be a disapproval of the President's program. It might well defeat his efforts to control inflation to the detriment of the entire country.

Mr. Chairman, let me say that, according to a research poll that was conducted by the Opinion Research Corporation of Princeton, N.J., on August 21 and 22 of this year, the question was asked: The President postponed for 6 months a scheduled pay raise for Federal employees: do you approve or disapprove? Sixty percent of the people responding said they approved. Twenty-six percent disapproved. Ten percent had no opinion. When that was broken down between union and nonunion people, in both instances the overwhelming majority of the people did approve the presidential action in this regard.

So I would agree with our distinguished colleague, the gentleman from Mississippi (Mr. COLMER). If Members are thinking about politics, they are on the right side to vote against this resolution, because the people of the country are against it.

Mr. Chairman, I think we should realize that if this resolution is disapproved, under the proposals of the President after the 90-day freeze is over, the employees will still get their within-grade raises, they will get a cost-of-living increase on July 1, and under the law, as it exists, they are entitled to another cost-of-living increase on October 1 unless that is deferred or amended in some way by the President. They will still get those cost-of-living increases next year.

Mr. Chairman, I would like to think that this Congress will act responsibly, that it will try to help the President in his effort to control inflation and stimulate the economy.

Mr. Chairman, I concur with the President's thinking. I feel the Congress should support it. If we disapprove this resolution, which I strongly feel we should, we will announce to the country our awareness of the problems of the economy and our willingness to lead the way in solving those problems. We have an opportunity to witness to the Nation our determination to restore the economic health of the Nation. I urge that the disapproval resolution be rejected.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the cochairman of our committee, the gentleman from North Carolina (Mr. HENDERSON).

Mr. GROSS. Mr. Chairman, I yield the gentleman from North Carolina an additional 5 minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. HENDERSON. Mr. Chairman, I thank the distinguished Chairman and the gentleman from Iowa for yielding the time.

Mr. Chairman, I rise in opposition to House Resolution 596.

This resolution disapproves the President's delay of the January 1, 1972, Federal employees pay raise until July 1, 1972. It should be noted that the President's action does not reduce the amount of the employees pay raise, but simply delays it.

What is in the best interest of our Federal employees and the military in this regard? Just as all other American workers and citizens, it is in the best interest of Federal employees and the military to get control of runaway inflation and prices. The President has taken steps to accomplish this and the delay in the pay raise is one step he contends is essential.

We do not yet know—and the President is not yet ready to announce—what kind of follow-on wage-price guidelines are going to be initiated after the present 90-day freeze. In the face of this uncertainty, it is both untimely and unnecessary for the Congress to set the pattern for a new round of pay increases. Surely if we do, industry workers and others can contend that they should be given earlier and greater pay increases.

We can protect our Federal employees without approving House Resolution 596. After the present 90-day freeze—and when we know what is done for industry workers generally—the Congress can enact specific legislation granting the Federal employees comparability with industry workers.

Finally the Members of this body should know that I have strongly supported comparability pay for Federal employees. Both last year and this year I supported as strongly as possible a bill to provide for a fairer wage schedule for our prevailing rate employees and the House passed this bill both years.

We should vote down House Resolution 596 and I will do my utmost to see to it that you get an opportunity early in the next Congress to vote for whatever legislation is necessary at that time to insure that Federal employees are treated comparably with employees in the private sector.

Mr. Chairman, I should like to emphasize what was pointed out in the minority views. I quote from the report:

> It must be emphasized at the outset that the Congress, in giving the President the authority to regularly adjust Federal pay under the comparability procedure, provided specifically for the President to deny the pay raise entirely—

He did not do that—

to reduce it—

He did not do that—

or to postpone it—

And that is what he did.

And I quote further:

> Because of national emergency or economic conditions affecting the general welfare, the President should, in any one year consider it inappropriate to make the pay adjustment.

The President, in his message which was released on October 2 and delivered to most of us this morning, had this to say:

> The sacrifice being asked of the Federal workers is not so heavy as to be inequitable, at a time when all Americans are asked to sacrifice. The average Federal white collar worker earns almost $13,000 in pay and benefits; his pay has risen 21 percent since mid-1969; with this deferral the principle of comparability is maintained. The comparability increase will become effective July 1, 1972.

There are two things to remember about this paragraph.

First, the President says, as the law says, that the comparability increase will become effective July 1, 1972.

But note the rise in Federal employee percentages. It is 21 percent since 1969. Now, the cost of living, as determined by the Bureau of Labor Statistics, from July 1969 to date has risen 10.8 percent. Well, the Federal employees and the military who follow them, have received about 10 percent more than the rise in the cost of living since July of 1969.

And in the next paragraph of the President's message, as he refers to the language I quoted from the law, he pointed out that we are now in the situation in which he has declared a national emergency. His words are:

> Such conditions now exist.

I realize that there are many Members of this body who have been concerned, as I am, about military pay. Certainly if the Federal employees are to be given the earlier January 1 increase by our action today the military pay will follow. And it should follow.

But I still contend that I believe the majority of our military will receive only real benefits if we get control not only over the cost of living in our own Nation but some control also over our international monetary system, because I can say that our servicemen in Europe are certainly having a hard time with regard to the devaluation of the currency.

The President's action here, it seems to me, is all one package.

By this action today the House of Representatives, without the concurrence or action of the other body, will override the President's action in delaying the comparability pay increases for Federal employees. This could certainly put us in an indefensible position with our constituents regarding inflation.

Yes; I think even the Federal employees ought to be urging us not to take this action at this time. The argument is made that they have been inequitably treated. We do not know that yet, because if following the 90-day pay freeze period the President's wage-price stabilization policy does follow a tough line—and he said it would be, and I hope it will be—then the workers generally will have to do without a pay increase for a period of 6 months or perhaps even a greater period. Federal workers then will not have suffered, if a tough line is followed. But if we find when we come back next year that the action by the

President and the administration in this wage stabilization period has been unfair to Federal employees, we can legislate after we know what the facts are. Today we are not only legislating in the dark, but we can certainly anticipate that this first action of the Congress, coming even before the action scheduled later this week with regard to taxes coming out of the Committee on Ways and Means, seems to be running contrary to consistency.

I think every person who is going to vote against the package which the Ways and Means Committee will present us with, should vote for this resolution, but every Member of this House who is going to vote to give the President the economic tools which he says he needs—and I think the majority of us agree that he needs them—should certainly not today vote against the President's pay action.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. COLLIER. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNG of Florida. I am glad to yield to the gentleman.

Mr. COLLIER. Mr. Chairman, I want to reiterate as the previous speaker properly pointed out that the Federal salaries have increased 21 percent since 1969. I believe it is also proper to point out that since 1966 that increase was 42 percent and since 1960 it has been 102 percent.

Mr. YOUNG of Florida. Mr. Chairman, when President Nixon, in August of this year, advanced his move to stabilize the economy, the very boldness of that action focused attention on the seriousness of our problem and the need for ambitious effort for solution.

He did it because our Nation and the people of our Nation are faced with one of the most serious economic problems of our time.

The stakes in the President's new economic policy for the United States are high. The success or lack of success of the President's program will affect everyone. Success will depend largely on the willingness of our Government, its leaders, and our citizens to make certain sacrifices. This is the reason I urge rejection of House Resolution 596.

In announcing his comprehensive economic program to the Nation, President Nixon recommended certain economic initiatives to create more employment, curb inflation, and stabilize the dollar. To check the rise in the cost of Government, the President ordered a postponement, not a cancellation, but a postponement of Federal pay raises that were scheduled to be effective January 1972.

When he submitted his alternate plan to the Congress, President Nixon said this:

> Our Nation's public servants are entitled to a fair wage in line with the established policy of a comparability with private enterprise; I regret the necessity of postponing pay increases, but our fight against the rising cost of living must take precedence. Of course, success in holding down inflation will benefit the Government worker as well as all Americans.

Mr. Chairman, phase I of President Nixon's attack on our economic problems has a favorable effect on the economy and enjoys widespread support throughout the United States: to attack and undermine phase II even before we know what it is to be would be totally irresponsible. Those in our Nation's private sector have responded unselfishly.

Mr. Chairman, are we to join with the people and sustain the President in his attempt to establish a healthy economic climate or are we in Government going to be first in line to break the President's program?

If we decide on the latter course we would immediately destroy the confidence and psychological stimulus the President's program has already engendered. We would in effect be falling into the very illogical trap of saying, "Do as I say, not as I do."

We will have served notice on the private sector that the Federal Government is not willing to share the burden by bringing its fiscal house in order and is instead calling on the private sector to carry the burden.

Mr. Chairman, it is an economic truth that one of the chief causes of inflation is Federal spending in excess of Federal income. Therefore, I urge my colleagues to follow the President's leadership in his efforts to reduce the costs of the Federal Government and establish an example for the private sector to emulate.

A "no" vote on House Resolution 596 will accomplish that purpose.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, it does seem to me that what we are dealing with in this instance is not a request on the part of the President for the Federal employee to engage in sacrifice to assist the President in restoring the economy of this Nation. But what we are dealing with is a decree of the President sacrificing the Federal employees to the failure of his economic policies.

I think in examining the President's approach that if his denial of a wage increase to Federal employees would be an example that might be constructive to the private economy it is well to examine the differences between the two employers, the public and the private.

Can you imagine the president of General Motors saying to his employees with whom he has negotiated a cost-of-living increase to take effect in January 1972, that in the interest of preventing the failure of General Motors and its economic practices that the members of the unions should forgo accepting their January 1, 1972, pay raise that had been negotiated? It is conceivable that the members of the union would accept it, but the fact of the matter is they have other options open to them. They could strike or they could sue for a breach of contract.

Mr. Chairman, the Federal employee has no options open to him when the President of the United States says to the Federal employees that although he had agreed to pay them a certain amount at a certain date, he withdraws it. He has only one option. He can either take it or leave it, unless the Congress of the United States, representing these employees, tells the President he must give the employee that pay raise he was promised.

Mr. Chairman, let us examine what the President has already indicated to the private sector, and in that examination I call your attention to two items which appeared on today's wire services. The first item involves the Postal Service. You will recall that the President said one of the reasons he was doing this was to set an example for the private sector of the economy in the hope that they would exercise restraint in the amount of money they would offer their employees.

The Postal Service is clearly not a part of the private sector. The Postal Service operates in another sector closely allied with the President. However, let us examine from today's wire service the restraint which the Postal Service is exercising.

Today's wire services say:

> The Postal Service said today that it appears likely that it will have to ask for another raise in the price of stamps next spring.
>
> A spokesman said the scheduled pay raises for postal workers would be the compelling reason for the request, assuming that President Nixon's wage-price freeze is allowed to expire.
>
> If Nixon's freeze expires as scheduled in November, these raises would go into effect next January, July and January 1973.

That is the President's own Postal Service that has said their pay raises that they negotiated prior to the freeze will go into effect in January.

Let us examine what the President has done with regard to the military, actions that I approve, but let us examine them in the light of the President's contention that he is exercising restraint in Federal expenditures for the example of the private sector of the economy.

Today's UPI reports this:

> The Senate today approved the second military pay raise within a month, designed to spur enlistments and help create an all-volunteer army.
>
> The pay increase, which would cost $381.1 million annually, would come on top of the $2.4 billion raise approved by Congress and signed by Nixon. The raises would go into effect in mid-November, after the wage-price freeze expires.
>
> The amendment to the military procurement bill was supported by President Nixon.

Does that set the sort of example that the President seeks to set by denying Federal employees a wage increase that was promised them on January 1, 1972? And that wage increase is not inflationary. That wage increase is based upon the Bureau of Labor Statistics. If they are not due the increase according to the Bureau of Labor Statistics, it will not be paid them. It is not inflationary in any aspect at all.

One other point: The Committee on Post Office and Civil Service reported out a bill which will come before this House on Wednesday next, hopefully. That bill says in effect that this resolution prevents the President from treating the Federal employees any differently than he treats not only the rest of the Federal employees, the military and the Postal Service employees, but the private sector of the economy. If he wants to

expand his wage-price controls, and I for one hope he does, he can do it to include all of them.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DULSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I thank the gentleman for the additional time.

I hope the President does include additional wage-price controls to cover additional Federal and private sector employees, but if he does not do so, the matter you will vote on next Wednesday, hopefully, will say that under no circumstances, whatever is in phase II of the President's economic plans, will the Federal employees be treated better than private sector employees, and that to me is important.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I am delighted to yield to our distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, I thank the gentleman for yielding, and I wish to associate myself with the presentation that he has made. All we are trying to do is to place the public and private sectors on an equal basis. I for one hope, as the gentleman does, that the President does use his authority to help get inflation under control.

Mr. Chairman, again I congratulate the gentleman in the well.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, in other words, what our distinguished Speaker said, and what the gentleman in the well has also stated, is that those of us who want to put Federal employees and the private sector employees on a parity in regard to further wage increases, would have to vote today for this resolution in order to set the stage for that. Otherwise, if this resolution is not adopted, then Federal employees will not be included in the parity formula contained in H.R. 10881. Is that correct?

Mr. WALDIE. The gentleman is correct. In furtherance of that argument, let it be clearly understood that if we do not pass this resolution, we in effect are legislating—what we are legislating is no pay raise in January 1972. Whatever we do today we are legislating. If we pass it, we are legislating a pay raise that will go into effect. If we do not pass it, we are legislating a pay raise that will not go into effect.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I would like to commend the distinguished gentleman from California (Mr. WALDIE) for his great leadership in this effort. Hopefully, the position of the gentleman from California (Mr. WALDIE) will prevail, and if so, literally millions of Federal workers will be deeply indebted to our distinguished colleague from California.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. GROSS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, the issue before the House today is perfectly clear and needs little reiteration. As the President said in his weekend statement, the Congress—and in particular this House—faces the acid test of its determination to cooperate in the national campaign to control rising prices, and whether in meeting this test, it can resist the mounting political pressures.

Under authority granted to him by legislation of the 91st Congress, the President has sent to the Congress his "alternative plan" for adjusting the pay of Federal employees. This alternative plan proposes a 6-month deferral of salary increases for Federal employees, from January 1972 until July 1972. This deferral is, as every responsible economic spokesman has stated, a vital and integral part of the President's economic offensive.

The resolution before us, House Resolution 596, would, by the single action of this House, overturn the President's alternative pay plan and force a comparability pay increase next January. We must, Mr. Chairman, reject the resolution of disapproval and support the President if we are to have any semblance of economic recovery in this time of crisis.

In sending his alternative pay plan to the Congress, the President stated:

> Since continuing emphasis will be placed on the exercise of responsible industrial and labor leadership throughout the Nation in the months to come, I must apply such fiscal restraints as will clearly signify the good faith of the Federal government as a major employer, and to continue to set an example for the American people in our striving to achieve prosperity in peacetime. I place full reliance on willingness of Federal employees along with their fellow Americans to make whatever temporary sacrifices in personal gain may be needed to attain the greatest good for the country as a whole.

Mr. Chairman, the deferral of Federal pay increases for a period of 6 months until July 1972 will result in a reduction in 1972 fiscal budget outlay of approximately $1.3 billion. This amount is a critical part of the some $5 billion which must be cut from the fiscal 1972 budget outlays if the corresponding tax reductions are to be noninflationary.

It would be totally irresponsible to insist on additional Federal expenditures in the form of payroll costs while at the same time causing a reduction in Federal tax revenues.

Mr. Chairman, when the Congress enacted Public Law 91–656, the Pay Comparability Act which the President is administering, it was clearly contemplated, and expected, that the annual pay adjustments would be subject to certain disciplines. The act stated that if "because of national emergency or economic conditions affecting the general welfare, the President should, in any one year, consider it inappropriate to make the pay adjustment" he may deny the pay raise entirely, reduce it, or postpone it.

I can think of no phrase more descriptive of our current situation than "because of national emergency or economic conditions affecting the general welfare."

It is ironic, therefore, Mr. Chairman, to find the very authors of this law, the proponents of the decision to turn over to the President this nearly unilateral authority to fix Federal civilian pay, to be the leaders of the forces to subvert the authority of the President the first time he attempts to use it.

At the time this so-called Comparability Act passed the House—on the final day of the 91st Congress and under conditions completely foreign to orderly legislative procedure—these leaders told us it was absolutely necessary to remove Federal pay fixing from the arena of political pressures.

And yet, Mr. Chairman, we have the incredible spectacle today of these same leaders dragging an economic decision of the President, with respect to Federal civilian pay, right back into partisan politics.

Mr. Chairman, I was not and am not now an advocate of the so-called Pay Comparability Act of 1970. But the law is the law, and the sword cuts both ways. The authority exists in that law for the President to make annual pay adjustments without regard to the Congress. And the authority is clearly set forth in that law for the President to deny, reduce, or postpone Federal pay increases in times of national economic distress. I maintain that had the authors of this legislation not intended for the President to have such authority, they should not have given it to him. But, since the Congress gave that authority to the President, I abhor the action of those who would now subvert this authority in an effort to play partisan politics with the Nation's economic recovery.

I hope, Mr. Chairman, that the Members of this body will see through the political smokescreen and reject this resolution, House Resolution 596, on the simple basis that it does irreparable damage to a program designed to restore the economic health of our Nation as it affects each and every citizen, including the Federal employee and his family.

Mr. WALDIE. Mr. Chairman, I yield 5 minutes to the distinguished majority leader (Mr. BOGGS).

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOGGS. Mr. Chairman, I think it is well to take a look at the record and see how this came about and where we are. First, the gentleman from California (Mr. WALDIE) stated with great knowledge how comparability finally got into the law, and pointed out that the adjustments made as a result of comparability would certainly not be classified as inflationary. In effect, they are cost-of-living adjustments.

Second, it seems to me that there is a distinction here between civilians and the military. In the draft bill, which I supported and which was signed last week by the President, there is a total increase of about $2.4 billion for the military. This increase is needed and justified. According to the President, that in-

crease will go into effect on November 13, and that additional sum, as I understand it, will now be further subject to comparability, so that when our military people are up for adjustment again, they will have a base increased by approximately $2.5 billion.

Finally, and most importantly, I would refer again to the statement made here quite briefly a moment ago by the distinguished Speaker when he said that what we were seeking was not an advantage but equality. I think it is well to point out, so the Members of the House will be reminded of it, I have here a whip notice that went out this week. I think you have your whip notice. I am sure you have the same thing on the Republican side. I call your attention to the program for next Wednesday. The second bill proposed is H.R. 10881, comparability pay raise adjustment for January 1972, followed by this resolution disapproving the President's alternative comparability pay plan.

Now, we are not able to consider the bill on the calendar as we originally had planned to consider it. The way we had originally planned to consider it was to adopt the bill sponsored by the gentleman from Arizona (Mr. UDALL) and practically every other member of his committee, including the chairman, and then vote on the resolution.

Why was that? Because the bill of the gentleman from Arizona spells out that the Federal employee would get exactly what the employees in private industry or in comparable positions receive as the result of the action taken on November 13. Now that is fair. If you do not do that, then quite the opposite prevails; namely, the Federal employee is treated with less fairness.

The distinguished gentleman from Florida (Mr. YOUNG) made a statement a few minutes ago that interested me. He said we are attacking the second phase before we know what the second phase is. If what we propose is an attack on the second phase, then I plead guilty, and I also plead guilty to not knowing what the second phase is. I am not unique in that. I think it is about time that the President take the Congress into his confidence and tell us what it is.

Practically every collective-bargaining agreement entered into in this country has been, at least temporarily, suspended during the 90-day freeze. The President came here and made a speech before a joint session in which he announced that the freeze would be removed on November 13. Since then he said there would be a substitute. That is about all the information I have. I do not know of anybody else who has any greater information, and if he does, it is a deeply held secret.

So, acting on the basis of information which we have been made privy to, we have sought here in the leadership to say OK, comparability is something that the Federal employees and the military have fought for, for a generation, and finally we have achieved it. Now we are not going to set it aside, but also we are not going to give the Federal employees undue preference, so we scheduled the bill of the gentleman from Arizona (Mr. UDALL) for consideration on Wednesday, and because of the great anxiety of my distinguished friend, the gentleman from Iowa, we are unable to do so. First, he wanted to consider the measure on Friday, and we adjourned the House.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman from Louisiana an additional minute.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I commend the gentleman from Louisiana for the statement he is making, and I concur with the assertations he has made. This is the procedure that was to have been followed, so that everybody would know that under no circumstances were the Federal employees to get special privileged treatment. This logical orderly procedure has been short-circuited by the parliamentary razzle-dazzle here today.

MOTION OFFERED BY MR. UDALL

If the gentleman will yield further, Mr. Chairman, I move that the Committee do now rise.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, inasmuch as this matter is brought up under a highly privileged procedure, one spelled out specifically in the act itself, where there was no choice on the part of the distinguished Speaker as to whether he could or could not recognize the gentleman from Iowa or any other Member on the matter before the House, I raise the question whether or not a motion to rise is appropriate, if it means that the House will then be faced with a motion to postpone action under the resolution.

The CHAIRMAN. The Chair will advise the distinguished gentleman from Michigan that a motion to rise is a privileged motion in the Committee of the Whole and is therefore in order at this time.

The question is on the motion offered by the gentleman from Arizona.

TELLER VOTE WITH CLERKS

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GROSS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DULSKI, GROSS, HENDERSON, and DERWINSKI.

The Committee divided, and the tellers reported that there were—ayes 175, noes 198, not voting 59, as follows:

[Roll No. 281]

[Recorded Teller Vote]

AYES—175

Abourezk	Aspinall	Bolling
Abzug	Badillo	Brademas
Adams	Barrett	Brinkley
Albert	Begich	Brooks
Alexander	Bennett	Broyhill, Va.
Anderson, Calif.	Bergland	Burke, Mass.
	Biaggi	Burlison, Mo.
Anderson, Tenn.	Bingham	Burton
	Blanton	Carey, N.Y.
Andrews, N. Dak.	Blatnik	Carney
	Boggs	Celler
Aspin	Boland	Chappell
Chisholm	Hicks, Wash.	Purcell
Collins, Ill.	Hogan	Randall
Corman	Holifield	Rangel
Cotter	Howard	Rees
Culver	Jacobs	Reid, N.Y.
Danielson	Johnson, Calif.	Reuss
de la Garza	Jones, Ala.	Roe
Delaney	Jones, Tenn.	Roncalio
Dellums	Karth	Rooney, N.Y.
Dingell	Kastenmeier	Rooney, Pa.
Donohue	Kazen	Rosenthal
Dorn	Kee	Rostenkowski
Dow	Kluczynski	Roush
Drinan	Koch	Roy
Dulski	Kyros	Roybal
Eckhardt	Link	Ryan
Edmondson	Long, Md.	St Germain
Edwards, Calif.	McCormack	Sarbanes
Eilberg	McFall	Scheuer
Evans, Colo.	McKay	Seiberling
Fascell	Macdonald, Mass.	Shipley
Flood		Sisk
Foley	Madden	Slack
Ford, William D.	Matsunaga	Smith, Iowa
	Mazzoli	Steed
Fraser	Meeds	Stephens
Fulton, Pa.	Melcher	Stubblefield
Fulton, Tenn.	Metcalfe	Sullivan
Garmatz	Mink	Symington
Gaydos	Mitchell	Thompson, N.J.
Gonzalez	Mollohan	Tiernan
Grasso	Monagan	Udall
Gray	Moorhead	Ullman
Green, Oreg.	Morgan	Van Deerlin
Green, Pa.	Moss	Vanik
Griffiths	Murphy, Ill.	Vigorito
Gude	Natcher	Waldie
Hagan	Nedzi	White
Halpern	Nix	Whitehurst
Hamilton	Obey	Wilson, Charles H.
Hanley	O'Hara	
Hansen, Wash.	O'Neill	Wolff
Harrington	Patten	Wright
Hathaway	Perkins	Yates
Hawkins	Pickle	Yatron
Hays	Pike	Young, Tex.
Hechler, W. Va.	Poage	Zablocki
Helstoski	Pryor, Ark.	
Hicks, Mass.	Pucinski	

NOES—198

Abbitt	Duncan	Lloyd
Abernethy	du Pont	McClure
Anderson, Ill.	Dwyer	McCollister
Andrews, Ala.	Edwards, Ala.	McCulloch
Archer	Erlenborn	McDade
Arends	Esch	McDonald, Mich.
Ashbrook	Findley	
Baker	Fish	McKevitt
Baring	Fisher	McKinney
Belcher	Flowers	McMillan
Bell	Ford, Gerald R.	Mahon
Betts	Forsythe	Mailliard
Bevill	Fountain	Mann
Biester	Frenzel	Martin
Blackburn	Frey	Mathias, Calif.
Bow	Fuqua	Mathis, Ga.
Bray	Galifianakis	Mayne
Broomfield	Gettys	Michel
Brotzman	Gibbons	Miller, Ohio
Brown, Mich.	Goldwater	Mills, Ark.
Brown, Ohio	Goodling	Mills, Md.
Broyhill, N.C.	Griffin	Mizell
Buchanan	Gross	Montgomery
Burke, Fla.	Grover	Morse
Burleson, Tex.	Gubser	Mosher
Byron	Haley	Myers
Cabell	Hall	Nelsen
Caffery	Hammer-schmidt	Nichols
Camp		O'Konski
Carter	Hansen, Idaho	Pelly
Cederberg	Harsha	Pettis
Chamberlain	Harvey	Peyser
Clancy	Hastings	Pirnie
Clausen, Don H.	Hébert	Poff
	Heckler, Mass.	Powell
Cleveland	Henderson	Preyer, N.C.
Collier	Hillis	Price, Tex.
Collins, Tex.	Horton	Quie
Colmer	Hosmer	Quillen
Conable	Hull	Railsback
Coughlin	Hutchinson	Rarick
Crane	Jarman	Reid, Ill.
Daniel, Va.	Johnson, Pa.	Rhodes
Davis, Ga.	Jonas	Roberts
Davis, S.C.	Jones, N.C.	Robinson, Va.
Davis, Wis.	Keating	Robison, N.Y.
Dellenback	Keith	Rogers
Dennis	Kemp	Rousselot
Derwinski	King	Ruppe
Devine	Kyl	Ruth
Dickinson	Landgrebe	Sandman
Dowdy	Latta	Satterfield
Downing	Lennon	Saylor

Scherle	Stanton,	Whalley
Schmitz	J. William	Whitten
Schneebeli	Steiger, Ariz.	Wiggins
Schwengel	Talcott	Williams
Scott	Taylor	Wilson, Bob
Sebelius	Teague, Calif.	Winn
Shoup	Teague, Tex.	Wyatt
Shriver	Thompson, Ga.	Wydler
Sikes	Thomson, Wis.	Wylie
Skubitz	Thone	Wyman
Smith, N.Y.	Veysey	Young, Fla.
Snyder	Waggonner	Zion
Spence	Wampler	Zwach
Springer	Ware	
Staggers	Whalen	

NOT VOTING—59

Addabbo	Frelinghuysen	Murphy, N.Y.
Annunzio	Gallagher	Passman
Ashley	Giaimo	Patman
Brasco	Hanna	Pepper
Byrne, Pa.	Hungate	Podell
Byrnes, Wis.	Hunt	Price, Ill.
Casey, Tex.	Ichord	Riegle
Clark	Kuykendall	Rodino
Clawson, Del	Landrum	Runnels
Clay	Leggett	Smith, Calif.
Conte	Lent	Stanton,
Conyers	Long, La.	James V.
Daniels, N.J.	Lujan	Steele
Denholm	McClory	Steiger, Wis.
Dent	McCloskey	Stokes
Diggs	McEwen	Stratton
Edwards, La.	Mikva	Stuckey
Eshleman	Miller, Calif.	Terry
Evins, Tenn.	Minish	Vander Jagt
Flynt	Minshall	Widnall

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and ladies and gentlemen of the committee, each Member of the House today is placed on what some people may say is a spot, no matter what your position might be. No matter how you vote you are going to be criticized by some. Perhaps in the eyes of some my position to oppose the resolution from the House Committee on Post Office and Civil Service is an unpopular one. I am not one who stands here today saying to you that I or Mr. Nixon have completely clean hands. He has made some mistakes in ordering a freeze which are uncalled for in my personal opinion. It was for example in my opinion a mistake on the part of the President on Sunday night, August 15, to say to a national television audience that he was going to freeze wages and prices for 90 days. To place such a time limit of 90 days in view of the troubles we are having was, in my personal opinion, a serious mistake. There is no solution to be found in 90 days. He compounded that mistake on Thursday, after we reconvened, when he addressed a joint session of the Congress. He said, without telling us what he proposes to do in phase II, that he was going to remove the controls which he had imposed on Sunday night, August 15. But the background of the situation which brings us to where we are here today is in part of our own doing. This Congress on two occasions has passed legislation having to do with pay invoking the so-called principle of comparability. The last one, and I have a copy of the act here in my hand, was signed into law and became law on January 8, 1971.

But this is not all that Congress has done. On two occasions, and I was a party to both of these acts, we passed legislation here in this House of Representatives, and the Senate did the same, and the legislation was signed into law, which gave standby wage and price control authority to the President of the United States if he made a determination that the situation in this country made it necessary. And under the authority of these two acts, one supporting the other, the wage and price control act, and the pay comparability act, we find the sources of the authority which the President has utilized to try to bring about through imposing freezes, some stability to the economy in this country to protect the integrity of the dollar at home, and to protect the integrity of the dollar abroad.

There are some of you who were not here a little bit earlier when this statement was made, and let me read you from that law. Paragraph 5305(c)(1) on page 3 of the law, says:

> If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

The odd thing about it is, even though the President has this authority, the people who want to override his actions now are the people, when we passed the comparability bill, who were wholeheartedly in favor of it.

There were some of us who argued against this principle who said the President should not have this authority but those of us who argued against it, now I believe are going to stand with it now. He is simply doing what we authorized him to do.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. No, I do not have time to yield. I want to complete my statement, if the gentleman will allow me to proceed.

The President on August 15 complied with the law when he said among other things he was going to defer these Federal pay increases until July 1, 1972. He did it before September 1, and, further, the President knew that he had to do this. Many Members of this Congress who are going to support the resolution from the Committee on Post Office and Civil Service today, even though he said on Sunday, August 15, he was going to defer these proposed increases, said they were going to support the Presidential battle to try to restore some economic stability in this country.

In my personal opinion, the state of the economy in this country today makes it necessary over and above any other consideration that we do something about checking inflation in this country, if we are going to do anything at all about protecting the integrity of the dollar at home and abroad. To me, this is the greatest need that we face in this country today.

Some people said when he made the announcement of controls on August 15 that he should have done that earlier. I, too, think it should have been done earlier, but now that he has done it, I think it is for the good of this country and we have to support him. None of us can have our way as individuals.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GROSS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WAGGONNER. Mr. Chairman, there is no such thing as providing for equity in compensation for Federal employment. We have never passed an act which had to do with pay that did not provide for equity. Somebody or some group always says that our actions are inequitable so far as they are concerned.

But if you think you are providing equity for all our people by voting for this resolution and allowing inflation to continue and removing the possibility of maintaining some effective controls, go ask the retired people who are living on savings and income that is ever dwindling and getting smaller and smaller and with no chance of getting greater income, some of whom are the parents of Federal workers.

Go ask the old people who are living on welfare and old age pension checks, some of whom are parents of Federal employees. Go and ask some of the disabled veterans whose savings and whose pensions are far too small for today with inflation running wild; they too need protection. In my personal opinion, we are going to have to accept this and lead the way for all to see in this Congress, if we are going to do anything about checking inflation. It will be bad for the Democratic Party because Mr. Nixon is going to ram it down the Democratic Party's throat in 1972. If you oppose him now and his late but welcome efforts fail, what are you going to say when he tells the people he tried but there were some who would not help.

This is a deferral and the alternative to this deferral is not the loss or the reduction of just 100,000 Federal jobs—66,000 now on the payroll and not hiring another 34,000 who are scheduled to be hired—but a reduction of another 100,000 jobs of people who are already on the payroll—which is worse—a deferred paycheck or no paycheck at all, for those who are also additionally going to be removed from the payroll? Unemployment is already too large. To pass this resolution today would make a mockery of the Ways and Means economic package to be considered tomorrow.

The presumption is that everybody is going to get a pay raise on January 1. However, this simply is not so. The presumption is that there will be no controls after November 12 of any sort. This is not so.

Something must follow and I say we should adopt a wait-and-see attitude. If the phase II controls are no good, then is the time to act. We have time to do whatever we choose. It has been distasteful but others have had increases deferred since August 15.

I, too, have heard many pleas. We want inflation checked, almost everyone has said, but for God's sake—do not ask me, some say now, to do anything about it. When I stand here and say we have to

do something about leading the way and checking inflation, I am saying to you Members that something is going to have to be done and I call upon others, as well as on myself to make some sacrifices on our own part. Our salaries should be frozen. I am standing here telling you, I am willing to do it and it is going to have to be done if we are going to hold the line. This we have to do. This is not a task for George—it is a task for us all.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, I want to emphasize the point the gentleman made. The President not only deferred the pay raise, but ordered a 5 percent reduction in Federal employment.

Mr. WAGGONNER. That is true.

Mr. HENDERSON. If we do not sustain the deferral of the pay raise, we could assume the President is going to have to order reduction in forces far greater than 5 percent, and there will be more unemployed Federal workers.

Mr. WAGGONNER. The No. 1 issue in this country today is I personally believe to lend some stability to the dollar at home and abroad, it is in the best long-range interest of this Nation and is to be preferred over a temporary deferral of anybody's pay raise.

Regardless of the unpopularity with some, which I understand, the vast majority of the people nationwide believe deferral is mandatory. So in closing I urge you to do whatever your heart and conscience tell you to do in the long range best interest of the entire Nation. My heart tells me to support the President and vote no on the proposed resolution. You follow the dictates of your heart if you disagree and we will still be friends when we are through.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arizona, a member of the committee, Mr. UDALL.

Mr. UDALL. Mr. Chairman, let me review for just a moment what we have heard today, as I have moved around on the floor today and I heard a great deal of misunderstanding. On August 15 the President moved, and I can say I agreed with him—and we all agreed with him about inflation and taking positive action.

What did he say on August 15? He said all business in this country is going to slow down—and that the steelworker and auto worker wages are frozen and so are prices. In the Federal Government it was the same—we are all standing together and there is going to be equality for everybody.

Then he stood right here and said that on November 15—

When the 90 days are up, I have already determined that there is going to be no extension of the freeze.

Everybody would be out from under the freeze—the steelworkers, the automobile workers and the rubber workers. Except for one group—the President said—

Now there is one exception—everybody is unfrozen but—one—the Federal employees—not the Post Office workers—they are going to get $1,000 between August 15 and July 1, 1972—but all other Federal workers will suffer.

Remember this: The mailman is going to get $1,000. Not all Federal workers are frozen, just some Federal workers. The guy who works for the Forest Service, the FBI, or the Soil Conservation Service—what does he get? He gets zero. He is frozen.

And if you vote today against this resolution, you are saying that is fair. That is what you are saying.

I am surprised that some of my friends, particularly in my own party, would not let us put this thing off until Thursday, when we would have had an opportunity to pass H.R. 10881.

Everybody says, "You are shooting in the dark. We do not know about phase II. We are going to take care of the matter in phase II."

The Speaker and the majority leader scheduled the bill to which I have referred on Wednesday, and it would take care of phase II. It says that if the President does—and I hope he does—put a lid on everybody, the same lid will have to apply to Federal workers, too. That is what we wanted to do on Wednesday. That is why I moved that the committee rise. That is why I was going to move to postpone further consideration until Thursday, so that we could make sure and place everybody in the same boat.

If the President had come in here and said, "Ladies and gentlemen, we are going to unfreeze everybody but we are going to select 4 million schoolteachers in America and we will let them be frozen for another 7½ months," you would have laughed him out of the Chamber. If the President had come in here and said, "We are going to require, for example, farmers to remain frozen until next July," you would have laughed him out of the Chamber.

We will just freeze prices in the rubber industry, automobiles, or steel: We will freeze them and nobody else. Is it not a sad commentary on ourselves and our participation in our Federal Government that we will sit here and seriously debate and argue over the proposition of singling out a few million Federal employees and the military? You know, those who vote against this resolution, should test your logic sometime if you will. I suggest when you go home this weekend and this resolution has been beaten—and it looks like it will be—and you have frozen civilian and military workers until next July—go out to a military base and see a private first class who has been drafted and who is living in a trailer. Say to him. "My friend, we are fair in the Congress. Let me tell you what we have done. Grocery prices will be unfrozen on November 15. The rent you are paying on your trailer will be unfrozen on November 15. But in the Congress the Members in their wisdom have decided that you ought to sacrifice a little bit, and we are going to freeze you until next July 1."

Then go to the post office to your favorite postal worker and say, "You are not frozen at all. You will have $1,000 in this period. But we think it is fair that the other Federal employees be frozen."

If you cannot face the logic of the President's position stated just like that, it is because you cannot face the truth. Because that is what they are seeking to do.

This has nothing to do with the fight on inflation. The mechanism we set up for Federal employees is very simple. The mechanism established states that Federal pay follows the private economy. It does not lead. Federal pay is based upon surveys taken in July 1970. They are already a year or 15 months behind everybody in the private sector. What are you saying if you vote "no" on this resolution? You are saying, "We think that is just lovely. Keep them a year and a half behind. In fact, they will still remain behind because what happens next July is they will still be getting pay based upon early 1971 figures. The whole mechanism is that we follow. We do not lead.

The President sat by in 1970 and early 1971 while settlements were made for 10, 20, and 30 percent in the private sector. Not a voice was raised, not a whimper. Now, all of a sudden, we have to make the Federal employees the ones who should continue the fight on inflation, and I think that is wrong.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HANLEY).

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HANLEY. Mr. Chairman, the issue we deliberate today is one of fairness, and the question, as I see it, is whether or not we want to single out a specific category of American people and describe them as second-class citizens. I rise in support of House Resolution 596, which I had the privilege of cosponsoring.

As did many in the House, I supported the President's wage-price freeze when he made his announcement on August 15. I feel that everything in our power should be done to eliminate some of the inequities; and I firmly believe that strong action was needed to stop the growing cancer of inflation.

While I applaud firmness in this area, I would also insist that every segment of the economy be treated equally. The President, in announcing his plan to ask for a 6-month postponement of statutory pay increases, has violated this principle. His action is grossly unfair and inequitable to an important segment of our economy—the Federal employee and military personnel.

Almost a year ago, Congress reaffirmed its position that the salaries of Federal employees should be comparable with those in private industry. With the support of the administration we developed a mechanism by which salaries could be set according to the comparability principle with a minimum of political interference.

In making his recommendations for a postponement, the President has almost completely circumvented this process.

Bureau of Labor Statistics figures upon which pay recommendations are supposed to be based will not be ready for more than a month. To my knowledge, there has not even been a meeting of the Advisory Committee on Federal Pay or the Federal Employees' Pay Council as required by law.

The President, therefore, is reneging on a pledge he made with Congress barely a year ago—that Federal employees should be treated on a par with private industry. I do not think that we, too, should go back on that pledge.

There have been some arguments in the press—particularly put forth by the U. S. Chamber of Commerce—that Federal salaries are already significantly ahead of those of private industry. At best, these figures are based on fragmentary evidence and are highly misleading. I would concede that in a few cases—because of the way the Federal salary system is structured—some individual occupations might be slightly overpaid. But Bureau of Labor statistics have consistently showed that on the average Federal salaries are consistently lower than private industry. Last year, the lag was about 6 percent, this year we expect it to be again in the 5- to 6-percent range. So, if we accept the President's proposal, we are building one inequity upon another.

I am also concerned about the effect that postponement will have on military salaries. Our soldier's pay raises are geared to civilian pay increases. It should be made abundantly clear that by postponing civilian increases we are also postponing military increases. This would be most unfortunate, particularly for our low-paid enlisted men.

Let me emphasize in closing that all we are asking here today is that the Federal employee be treated on a par with everyone else. We are not asking for more—we are not asking for less. Under present law granting the President broad economic authority, the President still has control over Federal salaries. If he decides to impose a partial or complete wage freeze on the rest of the economy, he has the authority to do the same with Federal employees. All we will be doing today will be insuring that Federal employees are treated fairly. I strongly urge that we adopt House Resolution 596.

Because, should the overture prevail—by that I mean the defeat of this resolution—this is exactly what we are doing.

As I interpret the Equalization Stabilization Act of 1970, as amended, it precluded the possibility of the President singling out any one category, any segment in our society, for special treatment. So it seems to me if the freeze mandate prevails, then we are not exactly adhering to the law as approved by this House and the Senate and enacted into law.

Much has been said about comparability and the accuracy of the figures associated with it. As I understand it, these figures come directly from the Bureau of Labor Statistics, and if these figures are inaccurate, then it is high time we dismantled that Bureau. But the fact of the matter is that their figures are quite accurate.

The National Chamber of Commerce, has quite erroneously stated that the Federal worker is overpaid by 40 percent. I would hope that its statement would be based on fact.

Again, as has been stated by previous speakers here today, we are dealing not only with the Federal employee, but with military personnel also. So I find it very difficult to conceive how we can deny these two categories of Americans this entitlement. The military personnel who happen to walk into a grocery store, as the gentleman from Arizona (Mr. UDALL), mentioned, that private has to pay the same price for the loaf of bread and the quart of milk and the package of potatoes that anyone in the private sector has to pay. Are we going to deny this individual what is rightfully his?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I will tell Members what the public is going to have to pay for a car. We repealed the 7-percent tax on automobiles here, and Members can bet the last penny they have that the automobile manufacturers on the day the freeze goes off, which is November 15, are going to raise the price of the 1972 cars at least 6 percent, if not the whole 7 percent. Just put that down as a prediction.

Mr. HANLEY. Mr. Chairman, I thank the gentleman for his contribution.

Certainly, as most of us did, we supported the President's wage-price freeze when he made his announcement on August 15, but again when he appeared before the Congress and again singled out this particular category of people for this kind of treatment, some of us scratched our heads. I feel that everything in our power should be done to eliminate inflation. And I firmly believe that strong action is needed to stop the growing inflation, and I cosponsored the authorizing wage-price control legislation which has allowed the President to move in this direction—an overture which, in the judgment of many of us is long overdue—but the gist of what we are attempting to decide here is equality.

Mr. Chairman, it is unfortunate that this legislative procedure was adopted and that we could not have proceeded with the announced schedule and have disposed of the bill which was intended to be brought up on Wednesday, which would insure that no Federal employee and no military personnel would be treated any better than anyone in the private sector. Unfortunately the procedure today disallowed the possibility of that consideration. What I am saying is, look, I do not want the Federal personnel and the military personnel treated one iota differently from others in the private sector, but I do want the treatment to be the same. So what we really are saying is what is good for one is good for all.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, the central issue before us today is not just the question of whether Federal employees deserve a comparability pay increase in January, but rather is the Congress going to sustain the President in his attempt to come to grips with inflation, unemployment, and the dollar drain.

The President, in effect, announced to the world that this country was not going to continue tolerating inflation, the imbalance of payments, and the dollar crisis. To correct these conditions, he proposed a wide range of economic initiatives.

To achieve these objectives, the President has set a minimum target of $5 billion in reduced Federal spending for this fiscal year. Forty percent of that total, or $2.025 billion must come from actions affecting Federal personnel. The 6 months' deferral of white collar and military pay will effect a savings of approximately $1.2 billion.

Now, if the Congress should veto the President's alternate plan and thus allow for the January pay boost, we can logically expect the President to search elsewhere to meet his minimum target of $5 billion in reduced spending for this fiscal year. One such alternative could result in massive reduction in the Federal payroll.

Mr. Chairman, I cannot impress too much on how important it is to vote "no" on House Resolution 596.

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, in my judgment, the Waldie resolution (H. Res. 596) is unreasonable because it establishes a preferenced, elite class in our economy.

We do not know yet what kind of incomes policy this country will adopt under phase II of the new economic policy. We do not know which of the groups will determine or enforce the incomes policy. One group, the AFL–CIO, has recommended a voluntary approach free of all governmental controls. This resolution, House Resolution 596, is surely contrary to that recommendation.

If we pass this resolution, we will preempt the President in the establishment of an incomes policy. Such an act is well within our authority, and may be desirable; but if we do so, we will also assume the responsibility for the success of the new economic policy.

The Congress cannot have it both ways. If we vote today to set economic policy, we also vote to accept responsibility for it.

I support equity for Federal employees, but I do not support the creation of a special class in our economy for them. I will reserve judgment until the mechanics of Phase II have been set out. Therefore, I will vote "no" on House Resolution 596.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, many of us, time and again, while inveighing against the cancer of inflation and declaring their support for the President's purposes in fighting it, then repeat the splendid exception, "but not now." It is a formula all too often used by Representatives who view their constituencies as a collection of special interests, who view their jobs as the representation in one vote after another of more special interests, and who trust that few will take the trouble to check up on their total records in this respect.

I submit, Mr. Chairman, that our function here is not just to represent the interests of our constituents, but also to "put it all together" in a pattern of government that is rational and responsible. We do not just create exceptions in a vote like this; we set patterns. If we do not set responsible patterns in government, using the mandate that sent us here, who then will have the discipline or opportunity to do so? How can we expect the President to present a credible case for comparable private restraint in phase II if we have not permitted him to exercise restraint with respect to a portion of the wage scale which is subject to our direct control?

Most of our constituents, Mr. Chairman, are trusting, supportive citizens, without an ax to grind in a special interest to be catered to. We do not hear from them very often, and we do not represent them enough, but their interests are at stake in this vote. Now is the time to fight inflation, if we are ever to succeed. Failure to exercise discipline today will strike a serious blow to our national effort, and cause a recurrence of inflationary psychology just as we appeared to be making some progress.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Chairman, if this Congress overrules the President and grants a $1.3 billion wage increase to Federal employees on January 1, we will bear a direct responsibility for the inevitable resurgence of runaway inflation which we are now desperately attempting to prevent, and families of Federal employees will suffer along with everyone else from the disaster.

Spokesman for Federal employees claim that the President's action is discriminatory. Yet, this Congress has approved repeated wage increases since pay comparability with private industry was achieved in 1969—within the past 2 years there has been a total of 12-percent increase following upon a 9-percent increase in July 1969.

As the Nation's largest employer, the Federal Government has a clear responsibility to be steadfast in its anti-inflation efforts. We will be voting this week for tax reductions to spur the economy, which will affect every American family including Federal employees. We cannot sensibly add to this a $1.3 billion pay raise and still insist we mean it when we say excessive inflation must stop. The vast majority of Federal employees have not been affected by the current 3-month wage freeze because step increases were not scheduled in that period. Meanwhile, however, schoolteachers and millions of other employees whose wages are substandard have worked under the freeze restrictions.

In my judgment, a so-called victory by the Federal employees today will be counterproductive. They will find they have added fuel to the fires of inflation and that those who are anxious to raise prices and profits will find a ready excuse by such action. Business, labor and all of the American people need to be united at this time in consistent efforts targeted toward the attack against inflation. This means emergency stabilization of prices, profits, and wages. A defeat of the President's action by this Congress will bring permanent compulsory controls closer to our free society, and when free, competitive enterprise comes to an end, we will be chartering a new course along the paths of planned society. The alternative to possible mandatory, permanent controls is further significant reduction in Federal work force. Either way, Federal employees and their families will have long-term loss with any short-time gain.

Mr. PEYSER. Mr. Chairman, until the last two speakers one word that I did not hear mentioned that I wanted to hear more of, was "fairness." I will admit that the last two speakers used the word. I believe fairness is what we are talking about with respect to Federal employees.

In my discussions with them, the Federal employees have indicated they only want a fair break.

While I disagree with and am going to vote against this proposal on the floor, I do agree that Federal employees should be entitled to a break, and the same break that the private sector is going to get.

I have heard it said that the present proposal is the only way we can protect the Federal employee, this is not true. I believe we can pass legislation that will guarantee the Federal employees will not be discriminated against. I will support legislation that will allow their incomes to be increased in January 1972 at whatever rate is decided on in phase II of our new economic program.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, when President Nixon announced his new economic program, he called on all Americans to make economic sacrifices to stimulate the economy and to guard against inflation, to do something about inflation.

Since that time, the form of the President's sacrifice has come into clear and discouraging focus—to curb inflation, wages are to be frozen; to stimulate the economy, big business is to receive unparalleled bonanzas. There has been no control on profits, dividends, or interest, and I doubt that there will be after November 15.

We are about to give business new tax breaks and tax allowances which are bound to be inflationary. Working people and small businessmen will be left holding the bag.

The President's action seeking to delay an already overdue wage increase for Federal civilian employees is a very serious manifestation of the administration's benefit-for-business and sacrifice-for-workers philosophy.

To imply that our economic difficulties could or would be solved by extraordinary sacrifices on the part of Federal civil servants is nonsense and must be rejected out of hand.

I believe that our economic problems will only be solved when we begin to disassemble the gluttonous military-industrial machine that turns us away from the socially useful and necessary production programs which could really stimulate our economy.

If the administration believes that the Federal budget must be reduced at the same time it is trying to stimulate the economy, it must start with the $76 billion defense budget and the dollar-draining military bases abroad, and not the wage comparability increases.

Federal wage increases do not stimulate inflationary wage demands. Even under comparability they lag more than 6 months behind private industry. The pay increase which is to become effective next January 1 will provide comparability as of mid-1971. In other words, Federal workers whose pay increases the administration seeks to postpone would be making the same salaries that those with comparable jobs in private industry made before the wage-price freeze.

It is indefensible for us to do anything but support this resolution before us today.

It is indefensible for the administration, on top of discriminating against workers in general, to seek to specially discriminate against Federal workers.

Accordingly, I urge the adoption of this resolution.

Mr. DULSKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, thank you for yielding this time to me. I wish to rise in support of the resolution before us today and to express my dismay at the chicanery that has been used by certain Members from the other side of the aisle in forcing this issue at this time.

I, like many of you, heard what the President said during his campaign upon seeing a sign held by a little girl which read, "Bring Us Together." I have listened for these past few years to his promises, and I have voted many times with the President on various issues, but I never thought I would live to see the day when discrimination would be the official attitude of the President and his administration.

Yet, this is what is written into the latest wage-price freeze. The President's plan is clearly discriminatory against a very responsible segment of our population—our Federal employees and Armed Forces personnel. The fact that they are

Federal is of no consequence. They are employees who are being discriminated against.

There has been a lot of talk from those opposed to this resolution that they are concerned with fair play. Yet fair play is exactly what the Federal employees are not getting. These people have historically suffered from the lowest pay scales in the job market. When this body finally enacts a law that will assure them pay comparability with the private sector, the President moves to thwart that plan.

This would not be as distasteful if in a spirit of fair play, all pay raises were delayed for 6 months. However, that is not the case here. Moreover, these pay raises are necessary to bring Federal workers even with those who have already gotten cost-of-living increases for comparable jobs in the private sector. These are catchup raises that are sorely needed by Federal employees.

I have also heard comments from the other side of the aisle that this is not the proper method to deal with the problem at hand. I could not agree more. Yet I would remind these remonstrators that a proper plan was formulated to be taken up on Wednesday of this week. Our Post Office and Civil Service Committee wisely voted out this resolution followed by a bill that would require Federal pay increases in January to be brought in line with any wage-price controls announced by the President for the post-freeze period.

This would have been a fair compromise, but those on the other side of the aisle and the administration have decided to force the issue today. The architect of this parliamentary chicanery did this knowing full well that at least 12 congressmen who would have voted for this resolution are out of the country today doing committee work as part of a long-term commitment. These Members had received the assurances of the leadership of both parties that the matter would not be taken up until Wednesday. They left only after these assurances were given.

So fair play is not the question here. In fact if it is fair play one wants then he should vote for this resolution.

Let me say that I have long advocated wage-price controls. I have long advocated a reduction in Federal expenditures to help curtail inflation. I was one of the first to welcome the President's action in August as a positive step toward halting the upward spiral of inflation. I applauded his positive move which although late and perhaps not perfect, was an effort in the right direction.

Inflation hurts everybody. The Federal employee certainly wants to curtail inflation. Those in the private sector would like to see a halt to rising prices and costs as well. More and more of our senior citizens are finding themselves living in poverty as their meager fixed incomes no longer cover their ever-escalating bills.

However, I cannot contemplate discrimination against our Federal employees. If it is controls the President wants to establish to fight inflation—and I still think they are needed—then the burden should be shared equally by the Federal employee, the private sector worker, the investor, the banker, and the corporate executive.

However, let us not treat our Federal employees as second class citizens. It is unjust and devisive. How about our boys in Vietnam who would also benefit from this needed pay raise? Our military forces are already suffering under ridiculously low wages. This increase would greatly improve their prospects for pay comparability. Can we abandon our combat soldier, those men who defend these shores, a small increase in salary? Can we require them to bear the greater burden of fighting inflation while business profits and bank interest charges are not controlled much less delayed for a period of time?

If a compromise were offered where Federal employees would bear an equal burden with workers and employees in the private sector, I am sure everyone would support it. All we seek is fair play—if the national burden is great, no one will shirk their duty as citizens. But it is patently unfair to ask one sector of the work force to bear the brunt of that burden. It is time the President stopped playing politics with the pennies of the poor workingman.

Mr. Chairman, I repeat, if its fair play that is sought, if it is justice and honesty that is considered, then this resolution will pass overwhelmingly.

Mr. GROSS. Mr. Chairman, may I address an inquiry to the gentleman from New York?

How many more speakers does the gentleman have?

Mr. DULSKI. One additional speaker.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD.)

Mr. GERALD R. FORD. Mr. Chairman, I think it is vitally important that we get one point absolutely straight. Statements have been made that at the end of the 90 days there will be a total lifting of the wage-price freeze. These statements are predicated on what allegedly the President said on September 9 when he spoke to the House and the Senate in joint session. The President did say that the freeze would be lifted on November 13, but he added the following, and I quote:

> But I assure the Congress and the American people that when this temporary and necessarily drastic action is over we shall take all the steps needed to see that America is not again afflicted by the virus of runaway inflation.

He went on to say, and again I quote:

> The system of wage and price stabilization that follows the freeze will require the fullest cooperation not only between the executive and legislative branches but by all Americans.

The President did say on September 9 that there will be wage and price controls after Novemebr 12. Therefore it is inaccurate and erroneous to say that there will not be any wage or price controls from November 13 on.

It is also interesting to note that the action that the President is taking under the Wage Comparability Act is action which is precisely provided for under the bill masterminded and drafted by the distinguished gentleman from Arizona (Mr. UDALL).

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a question?

Mr. GERALD R. FORD. Let me finish and I shall be very glad to yield to the gentleman.

Mr. Chairman, on September 21, 1971, in the report coming from the House Committee on Post Office and Civil Service, on page 9 thereof, there is one paragraph which I think is vitally important to this whole debate, and let me quote it:

> It must be emphasized at the outset that the Congress, in giving the President the authority to regularly adjust Federal pay under the comparability procedure, provided specifically for the President to deny the pay raise entirely, to reduce it, or to postpone it, if "because of national emergency or economic conditions affecting the general welfare, the President should, in any one year, consider it inappropriate to make the pay adjustment."

In other words, under the law masterminded by the gentleman from Arizona (Mr. UDALL) he specifically provided that the President of the United States had the authority, if there was a national emergency or if economic conditions justified it to postpone a pay increase for Federal employees. That is precisely what the President is doing now. The President is using the Udall law as it was intended by the author.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The President could have said there would be no pay increase at all under the terms of the so-called comparability act masterminded by the gentleman from Arizona Mr. UDALL, but the President has ordered only a postponement.

Mr. GERALD R. FORD. At this point in the debate we must understand two things: First, the 90-day freeze will be followed by phase II which will be a wage and price control period.

The President has not announced the specific terms of that succeeding period, but he has said in meetings with labor, with management, consumers and others that the phase II program will have teeth, teeth as to wage increases, teeth as to price increases. So, the lid is not going to be taken off. Let us understand that right here and now.

Now, why is that important? It is very simple. For the first 90 days the private sector of our economy had a stiff lid imposed on it as to wages and as to prices. The private sector could not get any wage increases even though contracts had been previously signed for wage increases, and price increases have not been approved either under the consistent and stringent policy of the Cost

of Living Council. But, during the period of the first 90 days when workers for General Motors or General Electric and others in the private sector had to forgo wage increases, Federal employees, with the exception of those that had earned ingrade promotions, have not been affected at all. From August 15, the employees of many, many private corporations and other employers had to tighten their belts, had to sacrifice and had to suffer some hardships. During that 90-day period, no Federal workers, except those with ingrade pay promotions have had to tighten their belt one bit, not one bit.

Because of this situation, the President said the only way we can call upon Federal employees to share some hardship is to ask them to take a pay increase postponement for 6 months in 1972.

If there were not going to be any teeth in phase II for the private sector, perhaps some of these arguments we have heard would be applicable. I repeat, there will be teeth in the second phase. There will not be any general pay increases given across the board in the private sector in phase II.

So, in order to equalize the sacrifices between the private sector and the Federal Government sector we should vote "no" today. It is the only fair, it is the only equitable way that I see whereby we can all meet the challenge.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I promised the gentleman from Oklahoma (Mr. EDMONDSON) I would yield to him first.

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

The gentleman may have perhaps just answered the question I wanted to ask, but I would like to get it specifically on the record:

Can the gentleman tell us that he has assurances that the President, after November 15, will deny wage increases due under contract in the private sector by reason of increases in the cost of living.

Mr. GERALD R. FORD. I cannot categorically answer the gentleman.

I can say this: That there will be a lid kept on those in the private sector, and I think there should be. I do not think I ought to categorically answer the question if I do not know specifically. But I will put it another way: If there is a general increase granted to those in the private sector in phase II then I will be willing to support legislation that would add a comparable amount for those in the employment of the Federal Government. I think that is a fair promise on my part under the circumstances.

Mr. EDMONDSON. If the gentleman will yield further, the gentleman said a moment ago that there will be no pay increases in the private sector after November 15.

Mr. GERALD R. FORD. No across-the-board increase. I think that is a fair statement, but I cannot say there will not be any increases granted in the private sector.

Mr. EDMONDSON. Is the gentleman saying that if there is a wage contract calling for a cost-of-living increase after November 15 in the private sector that the President would be likely to go along with that?

Mr. GERALD R. FORD. I cannot answer that question categorically. I have not seen what phase II is. But I will repeat what I said a moment ago: that if there is a general increase granted to all employees in the private sector, all employees, then I will support comparable pay increases in the Federal sector, as I think I should on the basis of good conscience.

Mr. BOGGS. Mr. Chairman, will the gentleman yield in connection with that line of questioning?

Mr. GERALD R. FORD. Surely.

Mr. BOGGS. Mr. Chairman, the gentleman made a few statements that gave me some concern. No. 1, the notion that all employees in the private sector since the wage-price freeze have suffered a pay adjustment of some kind. Is it not a fact that only those employees who had contracts which provided for an adjustment or an increase during the past 90 days have been affected?

Mr. GERALD R. FORD. All employees of the private sector even those with legitimate contracts have been precluded from getting any pay increase in the 90-day period. Does the gentleman deny that?

Mr. BOGGS. No; I do not deny that.

Mr. GERALD R. FORD. All right; that is a fact. And you also have to admit that during——

The CHAIRMAN The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. I thank the gentleman for the additional time.

A good many of the people who had contracts for pay increases have had for 90 days those pay increases prevented from taking effect.

Mr. BOGGS. A good many people, a great many people, a majority of the people have not been affected by the 90-day freeze. This is true because many contracts for pay increases do not became effective until November or December, or January 1, so that the comparison the gentleman makes with respect to the Federal employees is just not accurate.

Mr. GERALD R. FORD. I certainly differ with my friend, the gentleman from Louisiana, because there are many, many instances of labor-management contracts in the railroad industry, in the trucking industry, in General Motors, Ford, Chrysler, others in the automotive industry, where pay increases were supposed to go into effect in the 90-day period, and they were stopped, they did not go into effect. So those individuals covered by those contracts have had to make a sacrifice. No Federal employees except those who were to get in-grade pay increases have had any adverse impact whatsoever.

Mr. BOGGS. Will the gentleman yield further?

Mr. GERALD R. FORD. Please let me finish.

Mr. BOGGS. The gentleman has been very generous in yielding to me. Would the gentleman not yield for one further question?

Mr. GERALD R. FORD. Mr. Chairman, I cannot yield further to the gentleman because I have less than 3 minutes left, and I would like to make one or two comments, and then the gentleman from Louisiana can get time from the gentleman from New York if the gentleman from New York has time.

Mr. Chairman, it is amazing to me that people who voted first, in July of 1970; second, on December 7, 1970; and again on March 10 of 1971, to approve the Economic Stabilization Act, are now the first who apparently are eager to undermine the strength of that legislation.

They gave the President the authority to do something about wages and prices. Then when the President uses that legislation, the first thing they want to do is, by an indirect approach, to undermine his effort to do something affirmatively about inflation.

If you are really sincere about implementing the Economic Stabilization Act and the wage and price control action by the President, you ought to vote "no" on this motion today.

Let me just make one final observation. If this motion is approved, it means that you undermine and you undercut the President's attempt to stabilize the economy, and you will severely in a psychological and substantive way undermine the whole effort to stabilize the economy.

The President had a package in his new economic plan—a tax reduction, a price and wage freeze, a surtax on imports, and a freeze on expenditures in the Federal Government.

If you vote "yes" today—then psychologically and substantively you will be undercutting the total effort.

If you vote "yes"—you will signal to the world that the Congress has buckled under—that the Congress did not stand up for what 64 percent of the American people say is right.

It is interesting to note that in a poll taken by one of the most reputable polling agencies that 60 percent of union members support the President's total economic package.

If you vote "yes" today, it indicates that the Congress is buckling under and is not responding and reflecting the views of the American people.

I would just point out that if you vote "yes," you might also irritate a few housewives who are going to be hurt by inflation. If you vote "yes" today, I think you are going to irritate some of the people in the private working sector who have had to make sacrifices during phase I.

I strongly urge that in order to equalize the sacrifices and in order to equalize the hardships and in order to win the battle against inflation and to stimulate the economy that you ought to vote "no." I urge it as strongly and as sincerely as I can for the good of all Americans because it is in the best interests of the country.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. GERALD R. FORD) has expired.

The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, does the gentleman from Iowa have any more speakers?

Mr. GROSS. Mr. Chairman, the minority has no further speakers.

Mr. DULSKI. Mr. Chairman, I yield the balance of the time to the gentleman from Arizona (Mr. UDALL).

The CHAIRMAN. The gentleman from Arizona (Mr. UDALL) is recognized for 12 minutes.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. HOGAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been a great deal of rhetoric on both sides this afternoon. But there is one unmistakable fact—that Federal employees, if we vote "no" on the resolution today, are going to bear an inordinate share of the burden of the President's antiinflation program. We ask the employees in the private sector to forgo raises for 90 days and we are asking those in the Federal sector to forego them for 10 months.

There are many ways we can save money every day in this Chamber. We would save $1.3 billion from this pay freeze of Federal workers. We can carve that out of any program on any day in this Chamber and I will support any effort to do so, especially from the $3 billion we spend for foreign aid which does not help our country's economy at all.

Federal workers will willingly share the same burden as other workers. Why should they be forced to bear an inequitable burden?

The pay raises Federal workers have received have been designed to help them keep pace with the rising cost of living. They have always lagged behind, even though the Congress promised them comparability with private industry in 1962. By denying Federal workers the pay raise due them January 1 because of increases in the cost of living, we will compound an inequity.

I urge my colleagues to vote "aye" on the resolution.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I will yield to the distinguished majority leader if he will apologize to whatever people in Utah might have been insulted by his reference to me earlier as being the gentleman from Utah.

Mr. BOGGS. The gentleman from Arizona. First, I condemn—I commend the gentleman.

Mr. UDALL. I am afraid the gentleman is going back to a time earlier this year.

Mr. BOGGS. The gentleman has done a very commendable job.

Mr. UDALL. I thank the gentleman.

Mr. BOGGS. He has presented issues in a most forceful manner.

I was much taken by one of the remarks made by the distinguished minority leader in reply to the gentleman from Oklahoma when the question was propounded about what would happen if the President made certain adjustments after November 15 in the private sector. The answer came back, as I understood it, that the gentleman from Michigan would favor legislation and whatever was required to bring about the necessary adjustments for the Federal employees.

Now, unless I am unable to read, the gentleman from Arizona is proposing exactly that. Is that not the case?

Mr. UDALL. That is correct. We had it programed for Wednesday with the help of the Speaker and the distinguished majority leader. I do not know of anybody in this Chamber who would have been against it, because it would establish equality for Federal employees. It said that if the private sector is frozen to 3 percent, it would be 3 percent for Federal employees, and so on.

Mr. BOGGS. Will the gentleman from Arizona yield?

Mr. UDALL. I yield to the distinguished gentleman from Louisiana, for whom I have great respect.

Mr. BOGGS. Is it not a fact that in order to spell it out, we had scheduled the gentleman's bill prior to the consideration of this resolution?

Mr. UDALL. The gentleman is exactly correct, and I thank him for his help.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield briefly to the gentleman from Maryland and then I will yield to my friend from Iowa briefly.

Mr. MITCHELL. I thank the gentleman for yielding. I simply want to indicate to the distinguished minority leader that I have a social security installation in Woodlawn in my district. He is very much in error when he points out that there have been no sufferings on the part of Federal employees. He is quite right in pointing out that they get their wage increment, but those employees entitled to a raise in pay, from a GS–2 to a GS–3, for example, they have been denied under the existing freeze. So not only have they tightened their belts, they have tightened them to the point that there are no notches left.

I am very proud to be associated with the distinguished gentleman from Arizona in this effort. I wish to speak to one other facet of this problem. Unfortunately, despite the best efforts of some people in this House, blacks, chicanos, and other minorities are still concentrated in grades 1, 2, 3, 4, and 5 in the Federal Government, which means that they bear the brunt and the freeze far more than any other group of Federal employees. When the President stood before this body and talked about "the ethic of work" and how important it was that everybody put his shoulder to the wheel he was applauded vigorously. I cannot for the life of me comprehend the resistance to giving the people in grades 1, 2, 3, 4, and 5 and all Federal employees a fair shake.

I thank the gentleman for yielding.

Mr. UDALL. I thank the gentleman for his support.

I yield to my friend from Iowa.

Mr. GROSS. Is it not true that the gentleman's bill to which the majority leader referred is now before the Rules Committee, that no hearings have been held, and are not likely to be held for a day or two; that there is no way in the world by which that bill could be gotten out to the floor Wednesday or Thursday?

Mr. UDALL. I have no crystal ball. The gentleman may loan me his. I have never seen the Rules Committee turn their back on a bill that every Member of the House favors. Does the gentleman know a Member of the House who thinks that if the private sector is frozen, Federal employees should be unfrozen, or be in for some special treatment? Because if anybody believes that, then he ought to be against the bill; otherwise he ought to be for it.

Mr. GROSS. The gentleman is aware I am sure, that the Rules Committee's time is occupied with legislation brought to it before the legislation which the gentleman espouses went to the Rules Committee. I am talking about the time factor.

Would the gentleman yield for a correction of the record?

Mr. UDALL. Very briefly. I had a couple of things I wanted to say.

Mr. GROSS. I thank the gentleman. I think the gentleman to whom the minority leader yielded was the gentleman from Oklahoma (Mr. EDMONDSON) not some mythical gentleman from Texas—but from Oklahoma.

Mr. UDALL. The gentleman has me so confused that I thought for a moment I was from Iowa. I yield very briefly.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield very briefly to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would like to ask, is it not true that if the gentleman's bill was passed by this House, it would still not be effective unless acted upon by the other body, whereas this resolution, if passed by this body only, becomes effective?

Mr. UDALL. Of course, unless my elementary civics has deserted me, it takes both the House and the Senate to pass a bill. The fact is that this resolution will have the effect of vetoing the President's pay plan. The gentleman is correct.

Mr. SCOTT. Then it follows that an action by this House on both bills is not equally effective.

Mr. UDALL. One would be final, and the other would not be, but as I say, I do not know any Member of this House who thinks the Federal employees ought to have favorable treatment over anybody else. There are many who think the employees ought to have equality. I have heard many in favor of that.

It reminds of the story of the Eastern dude who was asking about rattlesnake bites and what you do with them. The punch line of the story is, "That is when you find out who your friends are." It occurs to me that today the Federal employees, the 1.3 million people who work for our Government and determine in the longrun whether people really get service or do not—and we need a great

many improvements in the Federal Government—and the 2.8 million members of the military service, many of them drafted, who have gone into the service involuntarily, are going to find out about who their friends are, and who thinks they ought to be singled out to bear all the sacrifices the minority leader speaks so eloquently about.

I read in the papers today about the longshoremen's strike tying up the Nation. I checked the BLS figures, and I found the pay raises have been running at the rate of 16 percent annually, 16 percent in the last quarter of last year, and 10 percent in each of the first three quarters of 1971. I will bet my right arm that the longshoremen's strike will be settled within the next few days, for, oh, 30 percent, and would the Members believe it will come out to 12 or 15 percent a year? Along about Christmas longshoremen are going to be getting a big chunk in their paychecks, the longshoremen and everybody else who will be unfrozen, but the friendly FBI agent and the fellow in the Forest Service and the black workman in the Social Security Administration in Baltimore are going to be frozen for another 6 months. That is what we are saying today is fair.

It reminds me of the old Biblical saying—and this is kind of a bad pun—that "Many are cold, but few are frozen." This is what we are doing here today. We are letting everybody else out from under, but we are going to let the Federal employees and the military bear the sacrifice.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding and for correctly identifying my State as well.

The gentleman from Michigan a few minutes ago, in answer to the question which I placed to him, made a statement then that I think needs to be carefully considered by Members of the House here today, because he said he would support a bill to help the Federal employees get a cost-of-living increase on down the road if the President acted to give cost-of-living increases or increases to all other people in the United States—not to the majority of them and not to 75 percent or 80 percent or 90 percent of them, but only in the event all other workers in the United States got increases would he consider some cost-of-living increase in order for the Federal employees. As Members know, the Federal employees, under present law, are overdue by more than 6 months now in getting that cost-of-living increase. I think that position needs to be corrected by the gentleman from Michigan, unless that is the way it stands, and the way the administration stands on this point.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield briefly to the gentleman, so the gentleman from Michigan can confess his errors.

Mr. GERALD R. FORD. Mr. Chairman, I am glad the gentleman from Arizona has yielded. I would like to point out two things. First, from July of 1969 up to the present time, the Federal employees have gotten approximately 22 percent in pay increases.

Mr. UDALL. Let me tell the gentleman about that.

Mr. GERALD R. FORD. Wait just a minute. Let me make one other comment. During the same span of time, mid-1969 to the present time, the private industry pay increase has averaged 13.18 percent.

Mr. UDALL. I am going to tell the gentleman something about this, because he credited me with authoring this new pay machinery. Do the Members know why the employees were given this 22 percent in such a short time? It is because year after year after year, from 1962 on, after we pledged comparability, every year we said: Wait until next year. Always there was recession or inflation or a war was on. No time was right for comparability. Finally, in 1967 we wrote a bill and said: This is the year. We are going to have comparability.

In order to catch up we had three slices in 18 months. After a full generation of promises we finally had the Federal employees caught up. That is why they got 22 percent.

If we take a longer period, say 15 or 20 years, we will find that we shortchanged Federal employees time after time.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. Very briefly.

Mr. GERALD R. FORD. I believe the record should be clear that under the legislation authored by the distinguished gentleman from Arizona this 22 percent pay increase came under this administration, under a President who believed in wage comparability and has a record to prove it.

Mr. UDALL. Mr. Chairman, the resolution ought to be adopted.

Mr. ANDERSON of California. Mr. Chairman, Federal employees do not want special treatment. Like all wage earners, they want a day's pay for a day's work.

The Congress has recognized this, and in order to attract and keep capable, highly motivated individuals from being lured to private industry, the Congress has tied Government salaries to those of comparable employees in the private sector.

I have supported comparability.

However, the administration has attempted to delay deserved pay increases for Federal employees, thus letting them bear the brunt of the fight against inflation and, also, fall farther behind their brothers in private industry.

This is not fair.

Mr. Chairman, I repeat. Federal employees do not want special treatment—they want and deserve comparability.

At this point, Mr. Chairman, I would like to include as part of the RECORD a statement that I feel is representative of the feelings of those Federal employees who are not treated equitably with their counterparts in private industry:

FEDERAL EMPLOYEES
METAL TRADES COUNCIL,
LONG BEACH, AFL–CIO,
Wilmington, Calif., September 21, 1971.

Congressman GLENN M. ANDERSON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: We again would like to show our appreciation for your concern for the Federal Employees in this area.

On September 16, 1971, Mr. Dean M. Boswell of Federal Employees Metal Trades Council had a conversation with your Administrative Assistant Mr. David Hayward. This conversation covered several matters. Among the problems discussed were the actions the Federal Employees Metal Trades Council, Long Beach AFL–CIO, had taken as a result of President Nixon's unjust additional 90-day freeze on all Federal wage grade workers.

I believe the handbill enclosed is self-explanatory. We ask that you read this handbill into the Congressional Record letting all the elected leaders of our country know how the Federal Employee will react when he is not treated equitably with their Brothers and counterparts in private industry.

Sincerely yours,

RUSSELL HATFIELD,
President, Federal Employees Metal Trades Council.

FEDERAL EMPLOYEES METAL TRADES COUNCIL, AFL–CIO

Paul J. Burnsky, President, Metal Trades Department, AFL–CIO advised Council President Hatfield that at the meeting of the National Wage Policy Committee on 2 September, 1971 the labor members unanimously adopted the following position, which was read into the record and transmitted to Chairman Hampton for delivery to the President:

"The labor members of the National Wage Policy Committee express their unanimous shock and dismay at the sweeping and totally unjustified action of the President yesterday in freezing government wage worker increases for an additional three months beyond the general wage freeze, which he earlier imposed.

"Federal wage workers rates are statutorily adjusted annually based on surveys made of private industry rates already in effect in the respective communities. The rates resulting from the surveys, in fact, only allow Federal wage workers to catch up to rates already being enjoyed by their private industry counterparts.

"In addition to the impact of the general 90-day freeze on Federal wage workers which prevents them from receiving increases reflective of rates already being paid to private industry workers in their communities, the imposition of an additional three months freeze compounds the inequity.

"During the general freeze Federal wage employees suffer particularly as their wages perpetually lag behind wage rates in the community and lag behind the higher price levels already in existence. At the end of the general freeze period price adjustments will obviously take place while rates for Federal wage workers in their respective communities continue to be frozen.

"The Government will then pay higher prices for the goods it buys, power, commodities and all other goods and services except the services of its own directly employed workers.

"Even during the stress of World War II and the Korean War no such drastic inequity was placed upon the government's own wage force.

"Certainly the President can't expect Federal Wage Workers to bear a larger burden in peacetime than they have ever borne in

wartime or to continue to work at rates substantially below those being paid for similar work in their communities.

"We respectfully request that Chairman Hampton convey our unanimous expression to the President urging him to immediately rescind his discriminatory action of September 1 in imposing this additional 90-day freeze on federal wage workers."

The labor organizations represented on the National Wage Policy Committee include representatives of four AFL–CIO organizations: the Metal Trades Department, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers and the American Federation of Government Employees.

THE WHITE HOUSE,
Washington, D.C., September 1, 1971.

Memorandum for the heads of executive departments and agencies.

Subject: Deferment of Federal Wage Increases.

On August 15, 1971, I announced a number of new economic initiatives to combat the persistent problems of inflation and unemployment. One of the key aims of Executive Order 11615 is a sustained effort to achieve continuing stabilization of salaries, wages, prices and rents throughout the economy.

One of the actions which I announced to implement the new economic policy is to defer pay raises for Federal workers for a period of six months. Accordingly, in order to comply with the needs of the public interest, as provided in subchapter IV of Chapter 53 of title 5, United States Code, I direct that the schedules for conducting wage surveys be revised so that beginning September 1, 1971, wage adjustments for all Federal wage employees will be delayed for a total period of six months, including the delay occasioned by my action of August 15, 1971. As soon as practicable following the period of delay, the normal survey cycle should be resumed.

I am designating the Chairman of the Civil Service Commission to coordinate the requirements of this directive and to develop similar plans with the heads of executive departments and agencies having negotiated wage schedules and rates or wage schedules which are administratively established so that an equivalent deferment of any wage increase will be achieved for Federal wage employees covered by such plans.

RICHARD NIXON.

Mr. ZWACH. Mr. Chairman, I regret that this issue must be voted upon today. It should come before us when the program of control comes after the 90-day freeze.

Mr. Chairman it is correct to say that unless inflation is slowed down everybody suffers a continuous pay cut related to purchasing power. It is also correct to state that if inflation is stopped everyone will have a pay increase in relation to purchasing power. If the President's control program works on June 1 the Federal employees and all America will be in a better position.

It is, Mr. Chairman, imperative that Federal employees be treated on a fair basis with all other employed people. I will vote against the disapproval resolution today but will make a re-assessment when the 90-day freeze expires and the continuing program is announced. If restrictions are lifted I will support salary adjustments for January 1, 1972.

Mr. Chairman, I ask the committee to bring out a resolution cutting back administrative and legislative salaries for the same duration. Congress against my votes increased its salary and that of the executive and judicial branches by unreasonable amounts and helped fire this inflation. Let us now contribute our share to slowing the robber, inflation.

Mr. COTTER. Mr. Chairman, I rise in support of House Resolution 596, which disapproves the President's plan to freeze Federal Government employees' wages until July of 1972.

The issue is crystal clear. The President has chosen one group, Federal employees, to bear a disproportionate burden in his attempt to salvage our sagging economy.

I support strong action to aid our current economic position. For this reason, I cosponsored and supported the bill that gave the President authority to freeze wages and prices. Thus I speak with some authority when I say I am convinced that selective controls violate the spirit, if not the letter, of the law.

Also, there are other disconcerting features of the President's economic policies. The experience of price behavior during the 90-day freeze indicates that the administration is more interested in freezing highly visible wages and less concerned with keeping prices under similar restraint. Indeed, the President did not restrict increases in interest rates or attempt to systematic control of dividends. Furthermore, the President's tax program demonstrates an unhealthy bias in favor of large corporations.

The President stated that later this month he will announce his plans for the so-called phase II which will go into effect after the current 90-day freeze. The details of this new program are very unclear, but I believe at a minimum the guidelines should apply to all economic groups, both business and labor, white collar and blue collar workers. Unfortunately, without detailed information about the President's plan I cannot in conscience vote to freeze the Federal Government workers' salaries until July of 1972 without asking other workers to accept the same burden. This is the main reason why I will vote against the President's plan.

There is, however, another point which must be made.

I am convinced that there is a lack of sensitivity in the President's new economic game plan. Our economy has been allowed to stagnate under the old Nixon economic policy which produced continued inflation and record unemployment, amid official predictions of economic progress. Such a situation requires drastic action. I will support strong and constructive moves to revive our economy but I will not support action that will require working men and women to bear a disproportionate economic burden.

Therefore, Mr. Chairman, I will vote to reject the President's plan which would freeze Federal employees' wages until July of 1972, but I will support H.R. 10881 when it comes before the House later this week. This bill specifically requires Federal employees' wage increases to be subject to the same guidelines as those wage increases in the private sector. This, I submit, is the most equitable means for handling wage increases.

Mr. WRIGHT. Mr. Chairman, I support both H.R. 10881 and House Resolution 596. The two, coming together as they do, make the intent of Congress crystal clear.

I vote today for House Resolution 596, on the clear understanding that we shall have the opportunity to adopt H.R. 10881, its companion.

In adopting these two bills we are saying two things.

First, we are saying that Federal employees will be willing to set a good example and share equally on exactly the same basis as private employees in any general wage freeze which may come about as an instrument to fight inflation.

Second, we are saying that we in the Congress do not intend that Federal and military personnel should be required to bear the entire brunt of the anti-inflation fight if other wages are allowed to escalate.

It is difficult for me to see how anything could be fairer. In fact, no other doctrine could claim the description of fairness.

If all wages are to be frozen, very well. Let Federal wages be frozen in exactly the same manner.

If other wages are to be released from the freeze, then in fundamental equity Federal civilian and military wages should be released in exactly the same manner.

If guidelines are to come about under which a ceiling would be placed upon an allowable percentage of increase, then let it fall evenly. If the President should decree, for example, that wage increases in the private sector after the expiration of the present freeze shall be held to no more than 5 percent annually, then let this same rule apply to Federal civilian and military personnel.

But let us not have one rule for one group of our citizens and another rule for the remainder.

The military personnel who defend this Nation and the civilian Federal employees who serve it do not ask and should not ask to be placed in a privileged class.

But neither should they be asked to serve as scapegoats in the Nation's fight against inflation—for increasing prices ravage their paychecks just as they do those of others.

Comparability is the goal. Equality of treatment is the aim. The fairness and credibility of our national anti-inflation effort is at stake.

Let us, therefore, enact these two measures side by side and leave no room for doubt that Congress intends and indeed insists that the burden of sacrifice shall fall evenly on the shoulders of us all.

Mr. FUQUA. Mr. Chairman, It is with some reluctance that I oppose the action taken by the House Post Office and Civil Service Committee in reporting out a resolution of disapproval to the President's alternate plan for Federal pay raises. In this regard, I want to point out that I cannot agree with any plan that would treat Federal employees any differently than those in the private sector. A heavy volume of constitutent mail shows that the Federal employees af-

fected only desire to be treated equally and not be forced to carry an inordinate share of the President's austerity program. Certainly, Federal employees and their families stand to benefit as much as others from the stabilization of our economy and they recognize this.

My primary concern, however, is that the committee action is untimely and will present real problems in the efforts to combat the ills of inflation and unemployment. The President has given us no indication of what action he will take upon the expiration of the wage-price freeze and, if he should institute further controls on the wages in the private sector, I feel these should apply to the Federal employees as well. Conversely, however, if the President does not institute such controls, I believe the Federal employees should receive the full raises to which they are entitled. It makes sense, then, to postpone consideration of the pay raises until we can act in concert with the President's program after the freeze.

The President has not made our job any easier and I call on him to announce his plans for the post-freeze period. I cannot understand how the President can expect the Federal employees to carry the burden of his antiinflation measures when they could be spread more equitably over the whole economy. The President's only reaction is that if the pay raises are given it will necessitate a drastic cutback in Federal jobs. I reject this response as specious in that it still places an inordinate burden on the Federal employee.

This is the old chicken and egg question and I feel that it can be resolved by postponing consideration of the pay raises until after the freeze. At that time we will know what is involved in phase II of the President's proposals and we can act accordingly. I can assure the President, however, that I will vigorously oppose any plan which would discriminate against the Federal employee.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of House Resolution 596, to disapprove the President's alternative plan for pay adjustments for Federal employees under statutory pay systems.

As a representative of many thousands of Federal employees, I have talked with many of them and received letters and other communications from many others over recent weeks. I find them almost unanimous in their support for the President's efforts to cool inflation. But they are also almost unanimous in feeling that denial of their comparability increases this January means singling them out for a sacrifice far greater than that being asked of any other group of American workers.

Only a few months ago the Congress enacted the Federal Pay Comparability Act of 1970 to establish a permanent method of adjusting rates of Federal pay. We did this because both the Congress and the executive branch realized that Federal employee pay had been lagging behind pay for comparable work in private industry for many years, and that as a result we were unable to attract the most capable employees to Federal service. Even the permanent method did not provide for instant comparability, because we provided for the adjustment due this January to be based on statistics gathered last June, thus allowing for a built-in 6 months delay.

If we do not disapprove the President's proposal, we add to the built-in 6 months another 6 months delay, and Federal employees will, as of next July, be paid at rates comparable to those paid for similar work in private industry 1 full year earlier. And, as every employer knows, economies at the expense of employees inevitably lead to loss of the best of the employees to competitors willing to provide more liberal compensation for their labors.

Another point worthy of mention, Mr. Chairman, is the fact that by denying Federal employees this increase, the administration is attempting to hold the Federal Government as an employer as an example for others to follow. What happens to this economy when loss of capable employees forces the Government to once again attempt to achieve full comparability? The increases will of necessity have to be substantially larger than would be the case today. Laborers in the private sector will immediately clamor for equally substantial increases, another runaway inflationary cycle will begin, and again the Federal employees will lag behind.

Mr. Chairman, the Congress and the President working together established this system for comparability after much thought and deliberation. I submit we will make a terrible mistake if we now scrap it in one more of a long line of attempts to make loyal Federal employees pay more than their share of the cost for the many wasteful and useless Federal spending boondoggles which have created the economic chaos with which this Nation is faced. If the wage and price freeze must be continued beyond the 90-day period for all American workers, I know the Federal employees would not object to further sacrifice. But they only ask to be treated equally with all other workers, and I urge my colleagues to support this resolution to guarantee that they will be.

Mr. HOGAN. Mr. Chairman, I rise in support of House Resolution 596, a resolution of disapproval of the President's alternate pay plan for Federal employees.

As a member of the Republican Party, I do not like to oppose my Republican President. However, I would not be true to myself or my constituents if I did not rely on my own judgment rather than that of the President.

During the 91st Congress the President opposed legislation giving him discretionary authority to freeze prices, interest, rent, wages, and salaries. I voted for that measure even though I shared the President's reservations about the possible ill effects of imposing a wage-price freeze. He has since used that authority.

Today I am again opposing the course of action proposed by the President with regard to the postponement of the Federal employees' pay raise. I do so, because I am convinced that to do otherwise would be to condone an inequity. I have, therefore, cosponsored House Resolution 596, the disapproval resolution which we are considering today. The Post Office and Civil Service Committee on which I serve approved this resolution by a vote of 14 to 12. I was the only Republican to vote for the resolution in committee and if I had not done so it would have failed with a 13-to-13 vote.

If we look at the history of Federal pay comparability, Mr. Chairman, we find that the Congress of the United States promised Federal employees comparability in 1962. But this was an empty promise until last year when Congress created, and the President signed into law, the Federal Pay Comparability Act of 1970. I was pleased to be a sponsor of that legislation which created a new permanent system for annual adjustments of Federal civilian and military salaries. The first comparability adjustment was scheduled for January of 1972.

As part of his new economic program announced on August 15, the President ordered that this first scheduled pay adjustment be deferred until July 1, 1972. Yet, on September 9, when the Chief Executive addressed a joint session, he announced that the wage-price freeze will expire on November 15 of this year and will not be renewed.

Just looking at the calendar dates makes it eminently clear, it seems to me, that Federal employees are once again being asked to bear the brunt of the inflationary burden—in fact, they are being asked to bear a double burden. Unless this body acts favorably on this resolution before us today, the wage-price freeze for Government employees will last, not the 90 days that all other Americans are being asked to accept, but rather the freeze for Federal employees would last more than 290 days. This, Mr. Chairman, is blatantly discriminatory. Across-the-board wage freezes for all Americans are one thing. Selective freezes for certain segments of the population are quite another.

As a member of the Post Office and Civil Service Committee, I am acutely aware of the numerous times that Government employees are asked to make sacrifices in the interest of Federal fiscal integrity. But it seems to me, Mr. Chairman, that fiscal restraint can be exercised in other aspects of Federal spending rather than in the salaries of Federal employees. For example, we spend about $3 billion yearly in foreign aid. Instead of trying to cut $1.3 billion from expenditures by postponing pay raises, why not cut it out of foreign aid? Or why do we not knuckle down and prevent those 100-percent cost overruns in everything from military hardware to the Kennedy Center for the Performing Arts?

Those are some areas where we should seek to insure fiscal integrity. It is grossly unfair to fail in those areas and then turn to Federal employees and say, in effect, "Cutting back on your salary increases is the only way we can be certain of saving money."

The President has recommended tax cuts to put more money into circulation. I assure him that the pay raises given to Federal employees would be spent—spent in an effort to keep up with the rising cost of living which that January 1 pay raise was designed to compensate for.

Mr. Chairman, I urge my colleagues to approve this resolution, yet I would like to emphasize that such approval would not preclude equal treatment for the Federal employee in the Phase II period immediately following the 90-day Phase I freeze.

For this reason, I have also cosponsored H.R. 10881 which was designed to assure that no Federal salary adjustment due January 1, 1972, can be higher than whatever guidelines are applied by President Nixon in his Phase II program. This is scheduled for action Wednesday. In other words, this legislation would guarantee that should the President issue a new wage freeze order—or put a ceiling on increases—private industry employees and Federal employees would be treated on exactly the same basis.

The President has indicated that policies and procedures will be developed to maintain economic growth without inflationary increases after the end of the current 90-day wage-price freeze. Should these procedures impose further restrictions on wage increases for employees in private enterprise, such restrictions would be equally applicable to Federal employees under the provisions of this bill.

Mr. Chairman, I urge that both of the measures before us today, House Resolution 596 and H.R. 10881, receive the approval of the Members of this body in the interests of fair treatment for all.

Mr. KOCH. Mr. Chairman, I would like to express my support for House Resolution 596. While I believe that the nationwide wage-price freeze was a necessary action, I feel it is unfair to ask Federal workers to bear a greater burden of the national sacrifice than would be borne by those working in the private sector. If the wage freeze is lifted for the private sector, then so must it be lifted for Federal workers. To extend the wage freeze for Federal workers is in effect to penalize them for electing to devote their time and energies to Federal service. The only result of such an action is damage to the morale of Federal workers and the attractiveness of Federal service.

Government workers have lagged behind private sector employment in cost-of-living wage increases, and now it seems that they are expected to endure special sacrifices in order to help compensate for the Government's revenue loss from the investment tax credit, the repeal of the automobile excise tax, and the accelerated depreciation allowances. The 6 percent Federal raises granted by Congress in January 1970, cannot by themselves be considered a causal factor of "wage-push" inflation, for they were in fact recommended by the Bureau of Labor Statistics in order to restore wage comparability to Federal workers. It is, of course, important for the Government to set an example in austerity, but to deprive Federal workers of these well-deserved raises by extending the freeze for them would certainly be an injustice which they cannot be expected to bear.

The wage-price freeze was a sudden though long overdue action by the President and the mechanisms of enforcement were makeshift. One must wonder whether it is not only because Federal workers' salaries are so visible and easily controlled that they are being singled out for special treatment.

The President is wrong in seeking to limit Federal wage increases and I believe he should be repudiated by this House of Representatives by voting for House Resolution 596.

Mr. HORTON. Mr. Chairman, I rise in opposition to House Resolution 596, which would disapprove the alternate plan for Federal pay adjustments submitted to Congress August 31 of this year. It is my understanding that a vote against this resolution is a vote in favor of the 6-month delay in Federal civilian employee cost-of-living raises from January 1, 1972, until July 1, 1972. It is my intention to support that delay.

There have been many who have argued strongly and effectively that any delay in the Federal civilian pay increase would be discriminatory against public sector employees as opposed to those in the private sector, who will come out from under the wage-price freeze as of November 13. This is only partially true, Mr. Chairman. As far as cost of living raises are concerned, the Federal employee is being asked to wait 6 months longer for the scheduled increase under the Federal Pay Comparability Act. But the delay sought by the administration does not apply to longevity and merit increases, including step and grade increases and promotions. My understanding is that only the automatic, Governmentwide cost-of-living raise, scheduled for this coming January would be delayed. The President has already said that merit and seniority increases could proceed after the 90-day freeze is lifted.

The opponents of the salary increase delay, while they have not denied the existence of a national economic crisis, and while they have not stated that we need take no action to ease this crisis, have nevertheless stated that to permit this 6-month delay in the Federal civilian cost-of-living increase would destroy the fair, equitable, and automatic Federal pay system set up under the long-sought after Federal Pay Comparability Act.

This is a serious charge, Mr. Chairman. It is a charge that I take seriously, because I was among those who sought to take Federal pay policies out of the political arena, and who supported the Comparability Act which, as you know, obviated the need for Federal employees to wait until Congress was ready to review their pay scales every year or 2. I state here and now that I do not take the purpose of this law lightly, nor would I consciously vote or work to disrupt the pay system which was developed under this enlightened law. If, for example, I thought that the President's request for a 6-month pay delay was simply a political maneuver to extract the administration from an embarrassing budget situation, I would oppose the delay, and strongly so.

However, I recall clearly when the Comparability Act was passed, that Congress, in its wisdom, permitted the Executive to submit alternative pay plans, and I quote:

> Because of national emergency or economic conditions affecting the general welfare.

We anticipated the very situation we find ourselves in now, Mr. Chairman. We anticipated flexibility in the Federal pay system in times of true economic and national crisis.

Can anyone here doubt that we are in the midst of the most severe economic crisis America has seen since the great depression of the 1930's? Has not our balance of trade, of exports over imports, become a negative figure for the first time in this century? Has not the trend in industrial and manufacturing jobs become such as to bring us close to the brink of becoming a service-oriented, and not primarily a productive and industrial economy? Has not the Congress, a full year before they were invoked, voted to give the President the unprecedented powers to freeze and control wages, prices, and rents? Has not the President, in exercising these and other powers, taken the drastic step of cutting the tie between the dollar and gold, of imposing a unilateral 10-percent tariff wall against all imports, of turning the international monetary system of the free world inside out and, most significantly, of asking stimulative tax relief for individuals and for business, despite a large demand for Government services, and despite a large budget deficit?

Can anyone here deny the existence of an economic crisis which may hold the key to the very future of this Nation's potential for prosperity and international leadership? I think not. Nor can anyone deny, whether or not they agree with all of the elements of the administration economic policy, that the President has taken bold steps to meet and end this crisis.

One of those steps, and a necessary one, if our economic allies and trading partners are to be convinced of our sincere desire to curb inflation of the dollar at the same time we reinvigorate our industrial economy, has been a concerted effort to minimize the Federal budget deficit. Particularly in light of the generous sacrifice of tax revenues, in the form of tax cuts across the board, some moves had to be made to control the size of what will already be a near-record deficit in fiscal 1972.

This situation is the backdrop for the President's submission of this alternative Federal pay plan. He is asking more sacrifice from Federal workers than from those in the private sector, and particularly from those workers in the Federal structure who may lose their jobs through reductions in force, moves, which, by the way, I would like to see avoided.

But, in accord with the letter and spirit of the Federal Pay Comparability Act, the President is saying, we now have a situation of economic emergency and, in accordance with the law, I am submitting a pay plan which, in my judgment, is appropriate to help deal with this emergency.

Mr. Chairman, I believe that Federal employees are deserving of this increase that is scheduled for January 1. They, most of them, are deserving of even more than this increase would afford. I have never missed an opportunity to vote for legislation which would afford larger

Federal pay increases at a sooner time in all of my 9 years in the Congress.

So today, Mr. Chairman, I am not casting my vote to delay the pay raise in any casual way. I have very thoroughly reviewed the history of across-the-board pay increases—not including individual seniority, merit, or promotion increases—in the Federal civilian work force, and in the private sector. I have prepared, after some time spent at arithmetic, two 10-year pay charts which illustrate how successful we are getting to be in affording the Federal worker the comparability he deserves.

In reviewing these charts, it must be kept in mind that the Federal worker in 1960 was far indeed from any kind of real comparability with the pay received by workers in the private sector. But let the facts speak for themselves about the progress of the Federal worker since 1960:

FEDERAL CIVILIAN EMPLOYEES

Year (date of increase)	Percent increase	Percent of 1960 base
1960 (June 30)		100.00
1960 (July 1)	7.5	107.50
1962 (Oct. 11)	5.5	113.41
1964 (Jan. 1)	4.1	118.06
1964 (July 1)	4.2	123.02
1965 (Oct. 1)	3.6	127.45
1966 (July 1)	2.9	131.14
1967 (Oct. 1)	4.5	137.04
1968 (July 1)	4.9	143.76
1969 (July 1)	9.1	156.84
1969 (Dec. 27)	6.0	166.25
1971 (Jan. 1)	5.96	176.16
Total	[1] 58.26	[2] 76.16

[1] Individual increases.
[2] Cumulative increase.

PRIVATE SECTOR WHITE COLLAR (PROFESSIONAL, ADMINISTRATIVE, TECHNICAL, AND CLERICAL POSITIONS)

Year	Percent increase	Percent of 1960 base
1960		100.00
1961–62	2.9	102.90
1962–63	3.0	105.99
1963–64	3.1	109.27
1964–65	3.1	112.66
1965–66	3.3	116.38
1966–67	4.5	121.61
1967–68	5.4	128.18
1968–69	5.7	135.49
1969–70	6.2	143.89
Total	[1] 37.2	[2] 43.89

[1] Yearly increases.
[2] Cumulative increase.

As you can see, Mr. Chairman, the Federal worker has outstripped his counterpart in the private sector since 1960 with a 76.16-percent overall cumulative increase as compared with a 43.8-percent cumulative increase for the private sector employee. The basic data for these charts was obtained from the Bureau of Labor Statistics, and it was interesting to note that figures for blue collar, skilled and unskilled jobs in the private sector were closely comparable to increases for private sector white collar employees. I am including this data as an appendix to my statement.

Mr. Chairman, while it is not fair or possible to conclude from these figures the degree of hardship placed on families of Federal employees by the 6-month delay in their cost-of-living increase, it can at least be seen that Congress and the Federal Government as a whole have been more than sympathetic to the financial plight of Federal workers. Simply put, the 6-month delay is a sacrifice, and a major one, to ask anyone to make.

The question we must decide, is whether the economic situation warrants this kind of sacrifice, as, whether, indeed, it warrants the current sacrifices being made by teachers, by workers losing wage increases won by contract negotiation, and in fact, by all Americans.

In my judgment, the situation is that serious, and the delay is justified. It is all the more justified by the fact that if Congress were to override the delay, it would be a signal to our very nervous trading partners around the globe that our commitment to recast our economic system, and the world economic system is, at best, a shallow one. If we do not, at this late hour, earnestly swallow the tough decisions needed to minimize inflation during this period of massive economic readjustment, then we can expect little cooperation from abroad, and little results at home.

The data follows:

FEDERAL PAY INCREASE STATISTICS

(SOURCE.—Data taken from Post Office and Civil Service Committee Print No. 9.)

DATE CITED EQUALS DATE PAY INCREASE WENT INTO EFFECT

July 1, 1960, 7.5% (PL 86–568).
October 11, 1962, 5.5%+additional step for first three grades (PL 87–793).
January 1, 1964, 4.1% (PL 87–793).
July 1, 1964, 4.2% (PL 88–426).
October 1, 1965, 3.6% (PL 89–301).
July 1, 1966, 2.9% (PL 89–504).
October 1, 1967, 4.5% (PL 90–206).
July 1, 1968, 4.9% average—3% minimum or one-half comparability (PL 90–206).
July 1, 1969, 9.1%—full comparability.
December 27, 1969, 6.0% (PL 91–231).
January 1, 1971, 5.96% (PL 91–656).

PAY INCREASES IN PRIVATE SECTOR

Data compiled only since 1961.

WHITE COLLAR JOBS—PROFESSIONAL, ADMINISTRATIVE, TECHNICAL, AND CLERICAL POSITIONS

	Percent
1961–62	2.9
1962–63	3.0
1963–64	3.1
1964–65	3.1
1965–66	3.3
1966–67	4.5
1967–68	5.4
1968–69	5.7
1969–70	6.2

BLUE COLLAR JOBS

Skilled maintenance workers

[February figures]

	Percent
1961–62	3.1
1962–63	2.7
1963–64	2.7
1964–65	2.4
1965–66	3.7
1966–67	4.1
1967–68	5.5
1968–69	6.5
1969–70	5.9

Unskilled plant workers

[February figures]

	Percent
1961–62	3.2
1962–63	3.3
1963–64	3.1
1964–65	2.9
1965–66	3.1
1966–67	4.3
1967–68	5.4
1968–69	6.1
1969–70	6.1

Mr. SIKES. Mr. Chairman, it is a distressing thing to be called upon to vote to postpone pay increases which already have been approved by the Congress for Federal employees and military personnel. I know the increases are needed by every family affected. Living costs are constantly going up. Yet if we do not postpone these pay increases, it very probably will destroy the efforts now in progress to stabilize the national economy. The Federal Government is by far the biggest employer of personnel. If these personnel fail to live up to the mandates that are established for others, the obvious action of labor and industry will be to disregard the fight for responsible action against inflation. For the Congress to blow a gaping hole right through the President's program at this stage would make meaningless everything that has been projected toward the achievement of economic stability.

Congress has been generous in dealing with Federal employees and with military. Their interests have not been neglected. Now they are asked to accept the same sacrifices that are imposed on others. It is even possible that they are being asked to accept a greater sacrifice in that the President has proposed a 6-month postponement for Federal pay increases. Federal employees and the military should not have to make a greater sacrifice than are other segments of the economy, and if it is found that this is being done, the Congress will have ample opportunity in another effort at a later date to correct any inequities which may actually be found to exist.

I am convinced that the public wants the domestic economy revitalized. It desires continued American economic leadership in the world. To achieve either there must be continuing support of the policies announced by the President on August 15. I have stated previously and I state again—if there is hardship areas, these should be given special consideration. But to exempt an entire class such as the Federal employees and the military would simply destroy the efforts now in progress—efforts which seem to be producing results—to help insure a better America for tomorrow.

Mr. BOLAND. Mr. Chairman, I want to express my support for ths legislation. The delay President Nixon seeks in the pay raise schedule for Federal workers, denying them for 6 months the wage rates everyone takes for granted in private industry, is patently unfair. Indeed, it lacks any remote semblance of justice. The administration's demand would force Federal workers, already underpaid, to make a still harsher sacrifice: A full half year of the pay raises they plainly deserve.

Workers in private industry will be freed in November from the President's moratorium on wage increases. Even the military—now awaiting the $2.4 billion pay increase that has won the administration's grudging approval—will leave the freeze behind in November. Why should Federal workers be the lone exception? Why should their pay raises,

designed to bring their wage rates within range of those granted workers in private industry, be delayed throughout the first half of 1972—from January to July?

Such a delay would make the brunt of President Nixon's economic restraint program fall squarely on Federal workers, making them its principal victims.

The administration itself has tacitly acknowledged the need for Federal pay increases. A Bureau of Labor Statistics survey, carried out under the provisions of the Federal Pay Comparability Act, shows that Federal workers' wages lag about 6 percent behind wages in private industry. I want to emphasize, Mr. Chairman, that this 6 percent figure holds valid only for the middle of 1971. Even if Federal workers are promptly granted their pay increases in January, their wages would still fall short of what is termed "comparability."

The companion bill to the one now before us would make Federal pay increases subject to any new wage restraints imposed under phase II of the administration's economic policy. That is only fair, Mr. Chairman. All groups—public or private, civilian or military—should share equally in the sacrifices necessary to check inflation.

That is all that Federal workers are asking for, Mr. Chairman.

Justice demands passage of both House Resolution 596 and H.R. 10881.

Mr. ANDERSON of Illinois. Mr. Chairman, not too long ago there were those who critized the President for not adopting a new economic game plan. More recently there have been those who have criticized the President for adopting his new economic game plan. And the curious thing is that these criticisms have emanated from the same circles. I think this is especially ironic because the rules upon which the new game plan are based were written in these same circles.

The Economic Stabilization Act of 1970 gave the President authority to freeze wages and prices in dire economic circumstances and the Democrats criticized the President when he didn't exercise that authority sooner. Yet low and behold, when the President did exercise his authority, many of these same Democrats cried "foul."

The same ironic farce is being played out again today in this resolution. The Democratic-controlled 91st Congress gave the President authority to alter comparability pay plans in dire economic circumstances. The President has now exercised that authority, and many of these same Democrats are again crying "foul."

Mr. Chairman, the scenario is becoming all too clear, the moves all too predictable and frequent as the New Year approaches. The President has acted boldly and decisively to restore orderly economic growth and full employment while restraining inflationary pressures. He has presented the Nation with a tightly-knit ball of economic initiatives to accomplish this objective.

And yet, at a time when it is so crucial that we play ball, we find, much to our dismay that there are those who are more intent on unraveling the ball—at nitpicking, if you will, like a bunch of mischievous kittens. They argue that this string or that string would not make much difference in the composition of the ball. Besides, who says a ball has to be round? Why cannot it be a little soft, and lopsided and unbalanced?

Mr. Chairman, the point I am trying to make is that the President's alternate comparability pay plan—a simple 6-month deferral—is an integral part of his new economic package, as was the 90-day freeze, and as is the Revenue Act we will be considering later this week. The Federal pay deferral is designed to offset the revenue loss and inflationary pressures which might otherwise accrue from the proposed tax reductions and other economic stimuli in the package. Fiscal restraint is necessary if we are to prevent a new round of inflation at this very critical juncture. And public service sometimes entails public sacrifice. To claim that there is or should be no difference between Federal employees and their private industry counterparts under certain extraordinary circumstances is to ignore the soundness of this very basic principle. Federal employees are a major component in the fiscal picture and it is sometimes necessary to exercise fiscal restraint in the national interest.

We hear a lot of talk about priorities these days, and if ever there was an overriding priority, it is getting our economy back in shape. The President has accepted this priority and is exercising the authority given to him by Congress to cope with the economic crisis confronting us. Either we were serious about delegating that authority to deal with such crises or we were not. Today's vote is a test of our seriousness. I therefore urge defeat of this resolution of disapproval.

Mr. RANDALL. Mr. Chairman, I support House Resolution 596 which is intended to disapprove the delay of the comparability pay adjustment for certain Government employees from January 1, 1972, to July 1, 1972.

There are certain key words that we must keep in the focus of our attention as we consider this resolution. Certainly one word is "comparability." Another thought we must keep in mind is that the approval of this resolution will not accord the Federal workers any advantage but only equality.

As we approach a decision on this resolution it is important that we take note of some dates involved. The Federal Pay Comparability Act was originally passed by the House and also later by the Senate late in 1969. There was no final agreement reached between the two bodies until late in 1970. Such enactment became Public Law 91–656. The record will show this enactment was not actually signed by the President until January 8, 1971. Let us not overlook the fact that the Comparability Act was based on figures obtained from the Department of Labor for salaries in private industry in 1969, not 1970 or 1971. Let us also not forget that this law provided one increase effective in January 1971, the second increment in January 1972, and the final step to become payable in October 1972.

The President, by Executive order, has now directed that the second increment due January 1, 1972, be deferred or delayed until July 1972. In other words, that Executive order proceeds to nullify a law enacted by the Congress which he himself signed not just a short time before but more than 8 months before the announcement of his new economic program on August 15, 1971.

No one can deny that the ideal operation of any freeze would be to deny exceptions of any kind. But we also know that if that happens there will remain some acute inequities such as are now being applied to some of our schoolteachers, our blue-collar workers or wage board workers in the Federal Government and also certain other Government workers. The adoption of this resolution may not solve the problem of the wage board or blue-collar workers but it will certainly serve as an indication by the Congress that they have not been forgotten. In our district there are hundreds upon hundreds of these blue-collar Federal employees who as civilians work on our two large military bases. Last year the Congress passed a pay raise but it was vetoed by the President. This year the House approved a similar increase in H.R. 9092 on July 28, 1971, while the Senate is now delaying action on this bill pending the duration of the President's freeze. Who could deny that these blue-collar workers as a result of this inequity in 1970 and now the delay in 1971 are facing unwarranted hardship?

The suggestion has been made we must wait on an action like House Resolution 596 until the President announces what will be his plan for phase II before we act on this resolution. My response to an argument of that kind is that Congress is being charged with obstructing phase II before we even know what it is. No one on earth can know what this next phase II will do or not do. Perhaps the President should take the Congress and the American people into his confidence on his next phase long before the end of the 90-day freeze on November 15. So far he has certainly not spelled out any of the details.

I supported the motion a while ago for the committee to rise. This may have seemed to be only a parliamentary maneuver. Actually it was a vote on a very meritorious effort to delay further action on House Resolution 596 until later this week when the House could consider H.R. 10881. This latter bill specifically provides that there would be no salary adjustments higher than whatever guidelines would be applied by the President in his phase II program. This bill very clearly spells out that if we reject the President's request to freeze all Government salaries for the additional 6 months from January 1, to July 1, 1972, there will be no increases allowed which would exceed either the President's phase II guidelines for other workers or the comparability figures developed by the Department of Labor—in accordance with Public Law 91–656 signed on January 8, this year—whichever is lower. Now what could be a fairer procedure than that?

I have read in the papers that the President has found time to meet with leaders of business, industry, and banking but there is no record he has found time to this point to meet with representatives

of his own public employees, those who are Government workers. If the President is not willing to sit down at the conference table with representatives of his own Federal family, meaning with those employees who have so long served their country with loyalty and pride, then perhaps it is true that this group has been singled out for inequitable treatment in the struggle against inflation.

Unless we adopt this resolution, the President's present course of action will unnecessarily and unfairly single out for a special penalty a group of Americans, men and women, who have made our Federal machinery operate so effectively and efficiently.

Someone has said that the Federal employees have received since 1969 percentagewise, greater increases in pay than those in private industry. I am not sure what figures have been used but agreeing to the assumption that since 1969 Government workers have received some substantial increases, then even they are only now getting close to true comparability with private industry. It has taken them an entire generation to achieve a status even near or close to comparability.

Many segments of private industry have received some substantial percentage increases and some, in fact, just prior to the freeze were honored. However, the President's Executive order directs that the Government workers must do without their increase due January 1, 1972, for another 6 months, which in the judgment of many is asking these workers to assume an inordinate burden. If we adopt House Resolution 596 and then proceed to enact H.R. 10881, then not only will we have some comparability but also fairness and equality. Equity will prevail. The Government workers are asking for no advantage or privilege, just equal treatment. House Resolution 596, if adopted, will assure that Federal employees receive their rightful increase January 1 which the President signed into law way back on January 8, 1971. H.R. 10881, when it passes, will assure Government workers of equal treatment and pay adjustments accorded to employees in private industry with a formula that will allow no increase to exceed either the President's phase II guidelines, whatever they may be, for other workers, or else the comparability guidelines developed by the Department of Labor Statistics provided by Public Law 91–656, whichever is lower. This resolution and this bill, which will follow, will assure Federal employees will not be shut out of increases already in effect for similar work in the private economy. It will provide the same treatment accorded employees in private industry, no more and no less.

Mr. DULSKI. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 596) disapproving the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems, had directed him to report the resolution back to the House with the recommendation that the resolution be agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 596

Resolved, That the House of Representatives disapprove the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems, recommended and submitted by the President to Congress under section 5305 (c)(1) of title 5, United States Code.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, for the information of the Members of the House, is it true that an "aye" vote on the resolution is a vote against the alternate plan as submitted by the President postponing adjustments in Federal statutory pay systems, and that a "no" vote is a vote to approve the alternate plan?

The SPEAKER. In response to the parliamentary inquiry, the Chair will state that a vote of "aye" on the pending resolution is a vote against the alternate plan postponing adjustments in Federal statutory pay systems as submitted by the President; a vote of "no" is a vote in favor of the alternate plan as submitted by the President.

The question is on the resolution.

Mr. DULSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 207, answered "present" 1, not voting 49, as follows:

[Roll No. 282]

YEAS—174

Abourezk	Culver	Hamilton
Abzug	Danielson	Hanley
Adams	de la Garza	Hansen, Wash.
Anderson, Calif.	Delaney	Harrington
Anderson, Tenn.	Dellums	Hathaway
Aspin	Dingell	Hawkins
Badillo	Donohue	Hays
Barrett	Dorn	Helstoski
Begich	Dow	Hicks, Mass.
Bennett	Drinan	Hicks, Wash.
Bergland	Dulski	Hogan
Biaggi	Eckhardt	Holifield
Bingham	Edmondson	Howard
Blatnik	Edwards, Calif.	Jacobs
Boggs	Eilberg	Johnson, Calif.
Boland	Evans, Colo.	Jones, Ala.
Bolling	Fascell	Jones, N.C.
Brademas	Flood	Karth
Brinkley	Ford, William D.	Kastenmeier
Brooks	Forsythe	Kazen
Broyhill, Va.	Fraser	Kee
Burke, Mass.	Fulton, Pa.	Kluczynski
Burlison, Mo.	Fulton, Tenn.	Koch
Burton	Gallagher	Kyros
Cabell	Garmatz	Link
Carey, N.Y.	Gaydos	Long, Md.
Carney	Gonzalez	McCormack
Celler	Grasso	McFall
Chappell	Gray	McKay
Chisholm	Green, Pa.	Macdonald, Mass.
Collins, Ill.	Griffiths	Madden
Corman	Gubser	Mailliard
Cotter	Gude	Mathis, Ga.
	Halpern	Matsunaga
Meeds	Randall	Steed
Melcher	Rangel	Stephens
Metcalfe	Rees	Stokes
Mink	Reid, N.Y.	Teague, Calif.
Mitchell	Reuss	Thompson, Ga.
Mollohan	Roe	Thompson, N.J.
Monagan	Roncalio	Tiernan
Moorhead	Rooney, N.Y.	Udall
Morgan	Rooney, Pa.	Van Deerlin
Moss	Rosenthal	Vanik
Murphy, Ill.	Rostenkowski	Vigorito
Natcher	Roush	Waldie
Nedzi	Roy	White
Nix	Roybal	Whitehurst
Obey	Ryan	Williams
O'Hara	St Germain	Wilson, Charles H.
O'Neill	Sarbanes	Winn
Pepper	Saylor	Wolff
Perkins	Scheuer	Wright
Pickle	Seiberling	Yates
Pike	Shipley	Yatron
Poage	Sisk	Young, Tex.
Pryor, Ark.	Slack	Zablocki
Pucinski	Smith, Iowa	
Railsback	Staggers	

NAYS—207

Abbitt	Frenzel	Patman
Abernethy	Frey	Patten
Alexander	Fuqua	Pelly
Anderson, Ill.	Galifianakis	Pettis
Andrews, Ala.	Gettys	Peyser
Andrews, N. Dak.	Gibbons	Pirnie
Archer	Goldwater	Poff
Arends	Goodling	Powell
Ashbrook	Green, Oreg.	Preyer, N.C.
Aspinall	Griffin	Price, Tex.
Baker	Gross	Purcell
Baring	Grover	Quie
Belcher	Hagan	Quillen
Bell	Haley	Rarick
Betts	Hall	Reid, Ill.
Bevill	Hammer-schmidt	Rhodes
Biester	Hansen, Idaho	Riegle
Blackburn	Harsha	Roberts
Blanton	Harvey	Robinson, Va.
Bow	Hastings	Robison, N.Y.
Bray	Hébert	Rogers
Broomfield	Hechler, W. Va.	Rousselot
Brotzman	Heckler, Mass.	Ruppe
Brown, Mich.	Henderson	Ruth
Brown, Ohio	Hillis	Sandman
Broyhill, N.C.	Horton	Satterfield
Buchanan	Hosmer	Scherle
Burke, Fla.	Hull	Schmitz
Burleson, Tex.	Hutchinson	Schneebeli
Byron	Jarman	Schwengel
Caffery	Johnson, Pa.	Scott
Camp	Jonas	Sebelius
Carter	Jones, Tenn.	Shoup
Cederberg	Keating	Shriver
Chamberlain	Keith	Sikes
Clancy	Kemp	Skubitz
Clausen, Don H.	King	Smith, N.Y.
Cleveland	Kuykendall	Snyder
Collier	Kyl	Spence
Collins, Tex.	Landgrebe	Springer
Colmer	Latta	Stanton, J. William
Conable	Lennon	Steiger, Ariz.
Conte	Lent	Stubblefield
Coughlin	Lloyd	Sullivan
Crane	McClure	Symington
Daniel, Va.	McCollister	Talcott
Davis, Ga.	McCulloch	Taylor
Davis, S.C.	McDade	Teague, Tex.
Davis, Wis.	McDonald, Mich.	Terry
Dellenback	McKevitt	Thomson, Wis.
Dennis	McKinney	Thone
Derwinski	McMillan	Ullman
Devine	Mahon	Vander Jagt
Dickinson	Mann	Veysey
Dowdy	Martin	Waggonner
Downing	Mathias, Calif.	Wampler
Duncan	Mayne	Ware
du Pont	Mazzoli	Whalen
Dwyer	Michel	Whalley
Edwards, Ala.	Miller, Ohio	Whitten
Erlenborn	Mills, Md.	Wiggins
Esch	Mizell	Wilson, Bob
Findley	Montgomery	Wyatt
Fish	Morse	Wydler
Fisher	Mosher	Wylie
Flowers	Myers	Wyman
Foley	Nelsen	Young, Fla.
Ford, Gerald R.	Nichols	Zion
Fountain	O'Konski	Zwach

ANSWERED "PRESENT"—1

Mills, Ark.

NOT VOTING—49

Addabbo	Brasco	Casey, Tex.
Annunzio	Byrne, Pa.	Clark
Ashley	Byrnes, Wis.	Clawson, Del

Clay	Hunt	Passman
Conyers	Ichord	Podell
Daniels, N.J.	Landrum	Price, Ill.
Denholm	Leggett	Rodino
Dent	Long, La.	Runnels
Diggs	Lujan	Smith, Calif.
Edwards, La.	McClory	Stanton, James V.
Eshleman	McCloskey	Steele
Evins, Tenn.	McEwen	Steiger, Wis.
Flynt	Mikva	Stratton
Frelinghuysen	Miller, Calif.	Stuckey
Giaimo	Minish	Widnall
Hanna	Minshall	
Hungate	Murphy, N.Y.	

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Mills of Arkansas against.

Mr. Addabbo for, with Mr. Flynt against.

Mr. Steele for, with Mr. Widnall against.

Mr. Leggett for, with Mr. Passman against.

Mr. Podell for, with Mr. Minshall against.

Mr. Byrne of Pennsylvania for, with Mr. Del Clawson against.

Mr. Annunzio for, with Mr. Steiger of Wisconsin against.

Mr. Brasco for, with Mr. McClory against.

Until further notice:

Mr. Dent with Mr. McCloskey.

Mr. Minish with Mr. Frelinghuysen.

Mr. Evins of Tennessee with Mr. Byrnes of Wisconsin.

Mr. Runnels with Mr. Lujan.

Mr. Miller of California with Mr. Smith of California.

Mr. Stratton with Mr. McEwen.

Mr. Clark with Mr. Eshleman.

Mr. Ashley with Mr. Diggs.

Mr. Mikva with Mr. Conyers.

Mr. Price with Mr. Daniels of New Jersey.

Mr. Giaimo with Mr. Ichord.

Mr. Hanna with Mr. Clay.

Mr. Hungate with Mr. Landrum.

Mr. Edwards of Louisiana with Mr. Joseph V. Stanton.

Mr. Casey of Texas with Mr. Stuckey.

Mr. Murphy of North Carolina with Mr. Denholm.

Mr. MILLS of Arkansas. Mr. Speaker, I have a live pair with the gentleman from New Jersey (Mr. RODINO). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

The SPEAKER. The Chair desires to announce that on Friday, October 1, 1971, the House took from the Speaker's table the bill S. 2007, struck out all after the enacting clause and inserted the provisions of H.R. 10351 as passed by the House. The House then insisted upon its amendment to S. 2007, requested a conference with the Senate and the Chair appointed conferees.

Without objection, the proceedings whereby H.R. 10351 was passed will be vacated and H.R. 10351 laid on the table.

There was no objection.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on House Resolution 596, just considered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALLING FOR THE HUMANE TREATMENT AND RELEASE OF AMERICAN PRISONERS OF WAR HELD BY NORTH VIETNAM AND ITS ALLIES IN SOUTHEAST ASIA

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes.

The Clerk read as follows:

H. CON. RES. 374

Whereas more than one thousand six hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and its allies in Southeast Asia have refused to identify all prisoners they hold, to allow impartial inspection of prisoner facilities, to permit free exchange of mail between prisoners and their families, to release seriously sick and wounded prisoners, and to negotiate for the release of all United States citizens they hold captive; and have committed other violations of the provisions of the 1949 Geneva Convention Relative to Treatment of Prisoners of War, which North Vietnam ratified in 1957; and

Whereas the General Assembly of the United Nations and the International Conference of the Red Cross have adopted resolutions calling on all parties to armed conflicts to comply with the terms and provisions of the Geneva Convention so as to insure humane treatment for prisoners of war; and

Whereas it is the policy of the United States to observe the requirements of the Geneva Convention in treatment of prisoners; and

Whereas the Congress, the executive branch, and the American people have repeatedly appealed to North Vietnam and its allies in Southeast Asia to comply with the provisions of the Geneva Convention; and

Whereas every opportunity should be pursued which will focus attention on the plight of these United States servicemen and the anguish suffered by their families and friends, and bring to bear against North Vietnam and its allies the force of world opinion on behalf of humane policies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of the United States servicemen held prisoner by North Vietnam and its allies in Southeast Asia and calls on them to comply with the requirements of the Geneva Convention Relative to the Treatment of Prisoners of War.

The Congress approves and endorses efforts by the people and Government of the United States, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment for prisoners of war and immediate repatriation of the sick and wounded; and urges that negotiations for the release of all prisoners in the Indochina conflict be given the highest priority by the governments and peoples involved, and calls upon the signators to the Geneva Convention who have relations with the parties involved in the conflict in Indochina to act as protecting powers to see to the welfare and safety of the prisoners of war and missing in action.

Resolved further, That it is the sense of Congress that allied authorities should—

(1) Arrange the immediate, unconditional release of as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a number equaling the number of Americans listed as missing in action or imprisoned in Southeast Asia.

(2) Effect the release of all such prisoners simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released and make an appropriate public appeal to North Vietnamese, National Liberation Front, and Pathet Lao leaders for similar humane treatment of prisoners they held. Prisoners would then be permitted to proceed on foot toward North Vietnam.

(3) Plan and carry out all procedures under the close supervision of the International Red Cross and take special precautions to prohibit forced repatriation.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution—House Concurrent Resolution 374—expresses the concern of the Congress for our American servicemen who are known to be prisoners of war, or who are missing and may be prisoners of war, in Southeast Asia.

This resolution is similar in its substance and language to a resolution which was adopted unanimously in both the House and Senate during the 91st Congress.

It expresses the heartfelt concern of Members of this body for the plight of the 465 men who are listed as prisoners of war in Southeast Asia and the 1,150 more who are missing in action.

Two hundred and sixty-six Members have expressed their own concern by introducing or cosponsoring one of the 44 resolutions introduced into the 92d Congress on the subject of prisoners of war. Pages 1 through 4 of the report on House Concurrent Resolution 374 lists the names of those Members and the legislation which they have introduced.

A number of those Members testified on their proposals before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs.

That subcommittee, after extensive hearings on the subject, reported a resolution which was further amended, strengthened, and improved by the full House Foreign Affairs Committee.

As a result, the legislation before this House today is, I believe, worthy of broad support in the Congress.

In discussing House Concurrent Resolution 374, I will not belabor the plight of our prisoners or the numerous violations of the Geneva Convention relative to the treatment of prisoners of war committed by the other side in Vietnam and elsewhere in Southeast Asia.

We are all aware of those tragic facts.

Rather, I wish to make two principal points: First, to underscore why a congressional resolution is necessary and useful in the present situation regarding our prisoners, and, second, to discuss why the approach suggested in supplemen-

tary views to the report on House Congressional Resolution 374 is inadvisable.

There are a number of excellent reasons why a congressional resolution addressed to the problem of American prisoners of war in Southeast Asia is desirable and, indeed, necessary:

First, because of the inhumane and illegal treatment being given American prisoners of war in Southeast Asia, there is a clear necessity for the Congress—representing the American people—to speak out against these outrages in a manner which will leave no doubt in the minds of either our friends or our foes of how we feel.

Despite differences of opinion held by Members of this body, or among the American people, about U.S. involvement in Southeast Asia, we are all—I believe—firmly united in the cause of obtaining humane treatment and the earliest possible release for our prisoners.

The 91st Congress put itself firmly on record on this issue—the 92d Congress can do no less.

Second, I believe this resolution is a practical way for each of us as individual Members of Congress to stand up and be counted as our conviction that the matter of American prisoners of war as a matter of highest concern and priority.

For that reason, I shall request a rollcall vote on this resolution, believing that it is of such importance as to require that each Member make his views known.

Third, adoption of this resolution will express to the wives and children, mothers and fathers, brothers and sisters, relatives and friends, of men who are missing or captured that we share their deep anguish and sympathize with loved ones in Southeast Asia.

As you know, last week the National League of Families of American Prisoners and Missing in Southeast Asia held its annual convention here in Washington. In order to contribute to the success of that event, the Subcommittee on National Security Policy and Scientific Developments—which developed House Congressional Resolution 374—held a hearing at which some of the wives testified.

At the convention and in our hearing it was clear that the relatives of the prisoners are becoming increasingly frustrated and desperate over the situation. Some believe that as time passes the plight of their loved ones is being forgotten, even by the Congress.

Passage of this resolution will help reassure those families of prisoners and missing that we in the Congress continue to place the highest priority on efforts to obtain humane treatment and early release of our men.

A fourth reason for supporting this resolution is that its adoption can help move toward the attainment of our national goals for American prisoners of war.

For example, it may be a factor in convincing the North Vietnamese and their allies in Southeast Asia that they should live up to the international obligations of the Geneva Convention by providing humane treatment for all prisoners and immediate repatriation for the sick and wounded. Further, the resolution—through its second "resolve" clause—may provide a mechanism whereby the eventual release of American prisoners may be possible.

A fifth and final reason for passing this resolution is that its adoption is certain to encourage and assist efforts by our Government, the American National Red Cross, and other domestic and foreign organizations, which are laboring to bring relief to American POW's and their families.

In that regard, I call your attention to page 8 through 11 of the report in which are reprinted letters from the Department of State and Defense, and the American National Red Cross. They describe the many uses made of the resolution passed in the 91st Congress on behalf of our prisoners of war.

In that context, I want to point out to my colleagues that the amount of mail coming to the families from American prisoners in North Vietnam has fallen off drastically in recent months.

Many of the families believe this development is the result of slackening attention both in the United States and abroad to the plight of prisoners of war. While the glare of world public opinion was on the leaders of Hanoi, they permitted relatively frequent letters; now that the spotlight has turned elsewhere, they are once again clamping down on the prisoners.

Let us hope that our resolution will help convince the Communist leaders of North Vietnam that they should—at the very least—permit frequent communication between the prisoners and their families.

At this point I wish to address myself to the supplementary views attached to the report on House Concurrent Resolution 374.

Those views regret the deletion of a paragraph from an earlier version of the resolution which called on the President to take specific actions regarding negotiating a date for total withdrawal of all American military forces from South Vietnam.

Although I voted in subcommittee to report POW resolution with language along those lines, it rapidly became clear that the political implications of such a statement imperiled the very possibility of passage with its higher humanitarian purposes.

The spectacle of this body or the other body caught up in a political hassle and controversy over the plight of American prisoners of war in Southeast Asia would not be a desirable development. It might harm the very cause which the resolution seeks to promote.

Therefore, I urge my colleagues who signed the supplementary views, as well as those who feel similarly on the issue, to understand the necessity of seeking unanimity on a resolution of this kind and to cast their votes accordingly.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, first of all, I would like to compliment the gentleman from Wisconsin for providing what I consider to be the very best forum in the United States for the expression of the concerns and interests of families of prisoners of war and those missing in action in Southeast Asia.

Through regular hearings he has enabled anyone with an idea to advance or an opinion to express a ready way to do that. He has given assurance that the subcommittee will continue to meet at least monthly for that purpose.

One of the parts of this resolution proposes the unconditional release of 1,600 North Vietnamese prisoners of war now held in South Vietnam. This idea has long been advocated by Secretary of Defense Laird, who assured me just recently that it is acceptable to President Thieu of South Vietnam. Col. Frank Borman, the President's special ambassador on prisoners of war, endorses the idea and feels it very important that it be approved by the Congress.

House Concurrent Resolution 374 proposes the unconditional release of 1,600 North Vietnamese prisoners of war now held in South Vietnam.

The basic purpose is to set the best possible, most dramatic example in respect to humane treatment of POW's.

Best possible, because the prisoners would be turned loose, free to return home without condition. Each would be supplied rations for the homeward journey. The International Red Cross would supervise the entire operation including selection, assembly and release of the prisoners. No forced repatriation would occur.

Most dramatic, because a release of this magnitude involving up to 1,600 prisoners would be without precedent in history. The report of this event by the worldwide news services would surely mobilize opinion worldwide to our advantage and against Hanoi's POW policy.

The resolution calls for the release of "as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a a number equalling the number of Americans listed as missing in action or imprisoned in Southeast Asia."

The proposal urges our Government to schedule the simultaneous release of enemy prisoners along the demilitarized zone. An appropriate ceremony would be conducted during which our Government would make a plea for similar humane treatment of U.S. servicemen held by the North Vietnamese, National Liberation Front, and Pathet Lao. Prisoners would then be given a supply of food and permitted to proceed on foot to the border between North and South Vietnam. All plans would be carried out under the supervision of the International Red Cross and special precautions would be taken to prohibit forced repatriation.

The purpose of this massive, repatriation would be to focus world attention on the plight of POW's and to bring the maximum pressure to bear on Hanoi and the NLF for a humanitarian response.

I feel a response may be forthcoming, although it might not be immediate. I base this optimism on two factors. First, it should be abundantly clear to all the parties in Southeast Asia that the United States is withdrawing all its troops from that beleaguered subcontinent. The reelection this weekend of President Thieu in an uncontested election adds stability

and continuity to the political life of South Vietnam.

Only one factor can slow the pace of withdrawal, and that is the status of our men held captive by the North Vietnamese, Vietcong, and Pathet Lao. Very soon, it will surely be apparent to the enemy that it is in its own self-interest to release all American prisoners in order to assure the continuing and uninterrupted withdrawal of American troops.

The second factor which causes some optimism is a recently stated willingness by the enemy to accept the return of their own men held prisoner by the South Vietnamese. In the latest peace proposal advanced by the enemy at Paris, they stated for the first time that they would agree to the return of patriots as a part of an overall settlement of the Vietnam war. This is the first time the enemy has even admitted that it has troops in the South. In the face of previous refusals to accept returning prisoners, it must be taken as quite significant, and those government officials who have watched the stalled Paris peace talks so view it.

In any event, whether the enemy responds or not, I believe the massive repatriation proposed by House Concurrent Resolution 374 would be a significant initiative for the United States to make. The ceremony and release would receive widespread attention through television, radio, and press coverage.

Each enemy POW released would recognize, as would the entire world, that his newly gained freedom symbolized the uncertain fate of one American presently held prisoner or missing in action. This humanitarian gesture at the DMZ would dramatize as no other way possibly could the treatment of POW's by the allies as contrasted with that of the North Vietnamese, the Vietcong, and the Pathet Lao.

This proposal has gained widespread support from many prominent Americans. Col. Frank Borman, President Nixon's Special Representative for POW Affairs, told me "this should be accomplished with the maximum haste". Mrs. Joan Vinson, coordinator of the National League of Families of Americans Missing in Southeast Asia, has also expressed her support, as has Defense Secretary Laird.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I, too, would like to compliment the chairman of the subcommittee for the way in which he has conducted these hearings and his great concern for the prisoners of war and those missing in action and their families.

I would like to speak briefly on the subject embraced in the supplemental views. I was one of the signers of the supplemental views. It was our feeling that this resolution is all right as far as it goes, but it does not go to the heart of the problem of the prisoners of war, which is how to secure their release.

Mr. Speaker, we had extensive hearings in the subcommittee on the subject and two forms of proposals were submitted, and only two, as to how to get the prisoners out.

There are those few who believe that the only way is for the United States to invade North Vietnam. There is not very much support for that view. I think none in the committee and none that I know of in the House.

The other type of proposal that was made by Members and also by a number of witnesses was that the United States should set a date for the total withdrawal of American forces, such withdrawal to be conditioned upon the release of all American prisoners, and it was that view which it contained in the paragraph referred to in the supplemental views.

Mr. Speaker, I think the events of the last weekend, the so-called election in Vietnam, once again emphasize that the priorities the present administration seems to be following in Vietnam are upside down. If the administration was placing the prisoner of war problem first, No. 1, they would be following the course of setting a date for total withdrawal. However, unfortunately, the POW–MIA problem is not top priority insofar as the administration is concerned. The top priority seems to be the maintenance in power of the government headed by Thieu.

We have seen this weekend a farcial charade of an election, accompanied by all kinds of pressure upon the people of Vietnam, which indicates the character of the government our administration seems to be determined must be kept in power—kept in power at the cost of continuating the war, at the cost of continued loss of life for American fighting men.

This, Mr. Speaker, is intolerable.

So, those of us on the committee who signed the supplemental views—and there were 12 of us who did so—feel it is tragic that there is nothing in this resolution dealing with the problem of setting a date so that the prisoners of war and those missing in action can be returned to this country.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I commend Chairman ZABLOCKI and the members of his subcommittee for the extensive hearings they held on the matter of prisoners of war and those listed as missing in action. I also commend him and the entire Foreign Affairs Committee for reporting out the concurrent resolution we have under consideration. This measure will once again provide the Congress an opportunity to reaffirm that it will do everything in its power to secure the release of American POW's and gain information concerning our MIA's.

Mr. Speaker, another reason for my rising this afternoon is to discuss with my colleagues a proposal that Congressman MILLER of Ohio and Congressman DAVIS of South Carolina and I have had under consideration. We have been discussing the possibility of establishing a Capitol Hill liaison office for the families of prisoners of war and missing in action. The purpose of the office would be to provide one central place where these families could write, call, or visit for any type of problem they might have. The office would provide direct contact with the Defense and State Departments and other Government agencies that might be of assistance. The liaison office would also provide up-to-date information and help on legislation that affects the POW's/MIA's and their families.

Hopefully the office could be staffed by personnel detailed from one or several of the standing committees or Federal agencies that have a direct interest in POW's/MIA's. Of course, funds would also be needed for general office supplies, but I have faith they would be forthcoming from private individuals and businesses for such a worthy cause.

As envisioned, the liaison office would draw together all of those resources presently available to the families of POW's/MIA's and cut through the redtape with which the families are now faced.

As I mentioned earlier, the proposal is only under consideration at this time. Congressman MILLER, Congressman DAVIS or I would be happy to discuss the idea with any of our colleagues in order to determine if they feel such a liaison office would be feasible and might be helpful.

Mr. Speaker, we need to continue our negotiations for prisoner release and continue to press for humane treatment of our captured servicemen. But I also feel that we need to provide help and assistance to the families for as long as their loved ones are held captive by the cruelest enemy we have ever fought.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I would also like to add my congratulations for the presentation of this resolution that has come before us today, but I would also like to stress the need that exists today at a time when our country has not been able to do anything toward securing the return of our prisoners of war, and yet we have the families here who are undergoing the daily turmoil of existing without a father. I think there is need for this liaison office.

When we worry about what will be the mental state of a prisoner when he returns, if he returns, we often forget about what is the mental state of his family at home now. They are at the breaking point, they are almost at the point of losing faith in their Government. I think this liaison office is a way—and a real way—by which we can show that we do care, that we are willing to take positive actions to promote and help the families of those who have given so much for their country and for their loved ones.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from South Carolina for his very worthwhile and timely comments, and I hope our colleagues will consider this proposal.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to congratulate the gentleman in the well on his excellent statement, and to ask the question on whether a liasion office that would join the various offices and agencies in the executive department might not be the correct approach to take, and not particularly a liaison office that is situated in the Congress, or in a committee?

I think the Congress is doing enough, and we have people who are tremendously interested in this problem such as our subcommittee and others, and the question then is which side of the Government should it be? Which department needs strengthening? I would think it would be the executive office on a liaison basis.

Mr. MONTGOMERY. The point of the gentleman from Pennsylvania is well taken. The idea as envisioned by the three Members who worked on this proposal of a liaison office would be that it would make no policies, it would merely give the families a place to come to, and a place where a small staff would be on duty and available to help families with problems pertaining to the Government.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, it does not take a great deal of courage to subscribe to this resolution. I do not think there is anybody in this room who does not want to see the repatriation of our American soldiers who are prisoners in Southeast Asia. In fact, I recently introduced a resolution—House Resolution 559—calling upon the President to pursue the July 1 peace offer of the Vietcong and the North Vietnamese. That offer, as you will recall, clearly stated that upon our setting a date certain for withdrawal, the repatriation of prisoners would proceed concurrently with the removal of our troops from Vietnam.

I regret that no congressional action has been taken on that resolution, and am most distressed that the President has effectively rejected the golden opportunity which the peace initiative presented to get us out and to provide for the repatriation of our soldiers.

I am sorry that this resolution is coming up under suspension of the rules, for, had it come up under a rule, it would have been subject to amendment on the floor. As reported to the full Committee on Foreign Affairs, this resolution contained a "resolved" clause which, in language similar to that contained in House Resolution 559, called upon the President to pursue the July 1 proposals. Unfortunately, this clause was deleted by the full committee in reporting out the resolution.

As presented to us here by the committee, this resolution not only has nothing controversial about it, but also nothing really meaningful.

One of the characters in the musical, "1776," asks:

Is anybody there?
Is anybody listening?
Does anybody care?

I fear that if those questions were asked of us, the answer to each would have to be in the negative.

Again and again, we have stated that we would not consider getting out unless there were some arrangement for the release of the POW's. On the 1st of July, the North Vietnamese responded in clear and unmistakable language, proposing that the repatriation and the withdrawal proceed at the same time.

Were we there?
Were we listening?
Did we care?

Apparently not, for rather than responding to the July 1 proposals, all we do is to keep on mouthing our desire to have these men released. It is clear that what we must do is to accept the offer.

There is no reason left for our being in Vietnam today. We cannot possibly help the prisoners unless we agree to set a date for the withdrawal of our troops. The election Sunday was the final and the ultimate mockery of our presence in Vietnam.

We must set a date certain for our withdrawal from Vietnam. Only then will the prisoners be returned to us, and only then will this body be acting so as to reflect the views of the overwhelming majority of the American people.

Mr. MYERS. Mr. Speaker, I want to urge my colleagues to support the resolution calling for the humane treatment of all American prisoners of war held by North Vietnam and its allies.

The people of the United States must not relax in our efforts to educate and mobilize public opinion to the plight of the prisoners of war.

President Nixon's statement last week reiterated his efforts on behalf of the more than 1,600 Americans captured and missing. President Nixon should be credited with the conscious shift in policy in 1969 designed to bring the full force of public opinion to bear on the North Vietnamese.

Since that time, concerted efforts on behalf of the POW's have resulted in some concessions on the part of the North Vietnamese in their handling of American prisoners.

It must be recognized that such concessions by the North Vietnamese fall far short of their obligations both to the Geneva Convention and to the concept of humane treatment. Thus the reason for this resolution which reaffirms our condemnation of the treatment of prisoners. Much more needs to be done before any measure of satisfaction may be derived by those who have been striving on behalf of the prisoners.

Mr. WOLFF. Mr. Speaker, as a coauthor of this resolution I am proud to rise to urge its unanimous passage. Last week I spoke with the families of the men who are prisoners and who are missing in Indochina. I would like to paraphrase them now: Make the POW issue No. 1, not Thieu.

Mr. RODINO. Mr. Speaker, I am happy to rise today to speak in support of House Concurrent Resolution 374. At the same time, I am deeply distressed that the situation is such that we find it necessary to bring up this legislation calling for humane treatment and release of our prisoners of war.

Humane treatment of prisoners of war would certainly seem to be a matter subject to no question by any country considering itself as worthy of a place among civilized nations of the world. It would also seem to be an act of basic humanity to provide information on prisoners of war held captive and on the fate of any servicemen listed as missing in action.

It is particularly appalling that the Hanoi regime remains intransigent in refusing to fulfill the obligations it undertook when it signed the Geneva Convention Relative to the Treatment of Prisoners of War. As our committee has pointed out, North Vietnam, using the despicable grounds that our prisoners are "war criminals," has consistently and blatantly violated the provisions of the Geneva Convention, specifically by—

Refusing to allow impartial inspection of prisoner facilities either by third-country intermediaries or by the International Red Cross;

Refusing to repatriate sick and wounded prisoners;

Using prisoners for propaganda purposes, including taking films of them being driven, wounded, and hurt, through villages;

Subjecting the men to extreme isolation and other forms of psychological pressures and—at times—to physical brutalities;

Refusing to identify all the prisoners whom they are believed to have in custody;

Not allowing prisoners to communicate with their families through normal authorized channels.

Mr. Speaker, in House Concurrent Resolution 374 we seek, foremost, to alleviate the suffering and torment of our prisoners of war and their families who await their return, or for word of their fate, with increasing concern and despair. We ask merely that North Vietnam begin to carry out the provisions of the Geneva Convention to which it has subscribed.

Beyond this, however, we are proposing a truly generous offer to free North Vietnamese prisoners of war in the hope that Hanoi, the National Liberation Front and the Pathet Lao would reconsider and respond with similar humane treatment of our prisoners.

There are a number of viewpoints on how to resolve the agonizing problem of our prisoners of war and servicemen missing in action, but with approval of House Concurrent Resolution 374 we will make it unequivocally clear that the American people, through their representatives in Congress, are solidly united in the cause of achieving humane treatment and eventual release of our captive servicemen

Mr. DONOHUE. Mr. Speaker, as con-

crete evidence of our deep and continuing concern for our American prisoners of war in Vietnam as well as for the extended anxiety and suffering of their wives and families, I most earnestly urge and hope that House Concurrent Resolution 374 now before us will be speedily and unanimously adopted.

The purpose of this resolution is to register our further appeal and further express our sentiments about the inhumane treatment of American prisoners of war by the North Vietnamese and to ask others to join with us in requesting the North Vietnamese to abide by the legal obligations of the Geneva Convention affecting prisoners of war.

Our adoption of this resolution will graphically demonstrate that, whatever other differences may exist among us, the Congress of the United States and the American people are completely united in their conviction and appeal that the North Vietnamese Government and allies, in accord with international agreement, will promptly provide full information about the names, condition, and whereabouts of all American prisoners of war and furnish all other knowledge they may have about American servicemen who have been reported missing in action.

It is a matter of the most grievous dismay and disappointment to the U.S. Congress and the American people that North Vietnamese officials have thus far shown an utter disregard for the provisions of the Geneva Convention covering the control and treatment of war prisoners and particularly so in their refusal to permit them to correspond with their families.

Global history reveals that, with all its admitted evils, there is still the highest individual honor and courage in war and a mutual respect and esteem for the bravery and loyalty of the opposition. To engage in war differences cannot and will not justify any suspensions or departure from the commonly accepted rules and procedures of the civilized world.

We have reason to believe that the North Vietnamese and their allies are especially interested and impressed by the weight of American public opinion. We would hope they may be equally and rightfully concerned about world judgment.

If this is so, and we pray that it is, we trust that the North Vietnamese Government and her allies will promptly respond to this united and universal appeal for them to provide complete information about and to insure the most complete medical and humane treatment of the hundreds of American prisoners of war they are now holding. It is only by this humane action that they can yet, and I hope they will, historically escape condemnatory judgment before the bar of united American and world opinion.

Mr. BROOMFIELD. Mr. Speaker, no American can be satisfied with the deescalation of the conflict in Vietnam until the estimated 1,600 American prisoners of war held by the Communist government of North Vietnam are released.

Despite the success of President Nixon's Vietnamization program and declining American casualty rates, the harsh realities of this war are inflicted upon these men with each succeeding day of their captivity. Our men have endured great hardships while they have been imprisoned. Their moral strength and loyalty has been tested and they have passed that test.

But more than this, they and their families have suffered years of silent frustration because the enemy has consistently refused to allow them any communication with the outside world. The North Vietnamese have, in violation of the Geneva Convention which they signed in 1957, refused to even identify the prisoners that they are holding.

The passage of this resolution will assert that it is the intention of Congress that the withdrawal of American combat troops must be preceded by an arrangement for the release of American POW's. Mr. Speaker, we have a moral obligation to recognize and affirm the loyalty of our men and to do all within our power to insure their humane treatment.

Mr. HOGAN. Mr. Speaker, as a cosponsor of House Concurrent Resolution 113, a resolution quite similar to the measure presently under consideration in this body, I rise to add my voice in support of this effort on behalf of our prisoners of war in North Vietnam and Southeast Asia.

It is appropriate, Mr. Speaker, that we should be acting on this resolution just as the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia concludes here in Washington. Unfortunately, a schedule conflict made it impossible for me to attend a breakfast meeting with this group.

I am sure the families in attendance at that meeting took heart, later in the day, when President Nixon addressed a few remarks at a dinner meeting. The President offered some hope when he said:

> I can assure you that every negotiating channel including many private channels that have not yet been disclosed, have been pursued, are being pursued and will be pursued.
>
> I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman, it is brought to my desk and we run out the lead, whatever it may be.

In addition to these hopeful words of the President, I am certain it was a great comfort to the families of our prisoners of war and missing in action that their cause is the personal commitment of the President of the United States. He said—

> I am just so proud of how great you have been and I am not going to let you down.

Similarly, Mr. Speaker, our vote of affirmation of this resolution today is also indicative of the personal commitment of every Member of this body. No matter what our political inclinations, we cannot help but share a common bond in our anxiety over the fate of these men and their families.

The wives, the mothers, the children of these 1,600 American men—many of whom have endured being separated from their loved ones for as many as 6 years—have suffered tremendously. Children have grown up without knowing their fathers. Wives have been forced to rear their families without the benefit of a husband's help. All of this continues in many cases without the people at home even knowing if their loved one is still alive. Imagine the agony they endure.

Mr. Speaker, I urge that we give this resolution a unanimous vote of approval. We must continue to present a united front of support for the POW's and MIA's since our greatest weapon against Hanoi, at this point, is a show of solidarity. Our cries of outrage in opposition to the atrocities committed against American men should and must continue. Hopefully, sometime soon they will be heeded.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 374, protesting the inhumane treatment of American prisoners of war by the North Vietnamese.

We are all too familiar with the repeated appeals to North Vietnam to abide by the Geneva Convention and their consistent refusal to do so. It has been generally agreed that the primary means to force compliance is through the weight of world opinion. The United States must continue to call attention to the actions of the North Vietnamese and the Congress can do its part by passing resolutions such as the one before us today. Passage of similar legislation last year resulted in some concessions from the North Vietnamese Government. While these concessions were only a small part of what we had hoped for, it is nonetheless an indication that the action taken by the Congress and the mobilization of world opinion were not taken lightly by the North Vietnamese.

The resolution further expresses the support of the Congress for the "immediate, unconditional release of as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a number equaling the number of Americans listed as missing in action or imprisoned in Southeast Asia." It is the hope of the Foreign Affairs Committee and its Subcommittee on National Security Policy, under the able leadership of our colleague, CLEM ZABLOCKI, that such a large-scale repatriation would trigger reciprocation from the other side.

Because of the strong expression of protest which House Concurrent Resolution 374 embodies, I urge its unanimous adoption.

I would like to point out, however, that I joined a bi-partisan group of 12 members of the Foreign Affairs Committee in signing supplemental views to the committee report on House Concurrent Resolution 374. I feel strongly that the only effective way to insure the release of American prisoners of war is by setting a date for total withdrawal of U.S. forces from Southeast Asia. The reluctance of the administration to make

such a move and the refusal of the North Vietnamese delegates to negotiate at the Paris peace talks have resulted in a complete stalemate.

It was the opinion of those who signed the supplemental views that language should be included in the resolution urging the President "to undertake further steps to negotiate a date for the withdrawal of all U.S. military combat forces from Indochina, such withdrawal to be conditional upon satisfactory arrangement being made, at least 3 months prior to such date, for insuring the safety of the withdrawing forces and for the release of all U.S. prisoners held in Indochina."

While I still strongly support the above proposal, I feel that House Concurrent Resolution 374 is an important and necessary step and a positive contribution toward our goal of securing humane treatment and early release of these brave men.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and agree to House Concurrent Resolution 374.

The question was taken.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 0, not voting 60, as follows:

[Roll No. 283]

YEAS—371

Abbitt	Brown, Ohio	Dennis
Abernethy	Broyhill, N.C.	Derwinski
Abourezk	Broyhill, Va.	Devine
Abzug	Buchanan	Dickinson
Adams	Burke, Fla.	Dingell
Anderson, Calif.	Burke, Mass.	Donohue
Anderson, Ill.	Burleson, Tex.	Dorn
Anderson, Tenn.	Burlison, Mo.	Dow
Andrews, Ala.	Burton	Dowdy
Andrews, N. Dak.	Byron	Downing
Archer	Cabell	Drinan
Arends	Caffery	Dulski
Aspin	Camp	Duncan
Aspinall	Carey, N.Y.	Dwyer
Badillo	Carney	Eckhardt
Baker	Carter	Edmondson
Baring	Cederberg	Edwards, Ala.
Barrett	Celler	Edwards, Calif.
Begich	Chamberlain	Eilberg
Belcher	Chappell	Erlenborn
Bell	Chisholm	Esch
Bennett	Clancy	Evans, Colo.
Bergland	Clausen, Don H.	Fascell
Betts	Cleveland	Findley
Bevill	Collier	Fish
Biaggi	Collins, Ill.	Fisher
Biester	Collins, Tex.	Flood
Bingham	Colmer	Flowers
Blackburn	Conable	Foley
Blanton	Conte	Ford, Gerald R.
Blatnik	Corman	Forsythe
Boggs	Cotter	Fountain
Boland	Coughlin	Fraser
Bolling	Crane	Frenzel
Bow	Culver	Frey
Brademas	Daniel, Va.	Fulton, Pa.
Bray	Danielson	Fulton, Tenn.
Brinkley	Davis, Ga.	Fuqua
Brooks	Davis, S.C.	Galifianakis
Broomfield	Davis, Wis.	Gallagher
Brotzman	de la Garza	Garmatz
Brown, Mich.	Delaney	Gaydos
	Dellenback	Gettys
	Dellums	Gibbons
		Goldwater
Gonzalez	McMillan	Roy
Goodling	Macdonald, Mass.	Roybal
Grasso	Madden	Ruppe
Gray	Mahon	Ruth
Green, Oreg.	Mann	Ryan
Green, Pa.	Martin	St Germain
Griffin	Mathias, Calif.	Sandman
Griffiths	Mathis, Ga.	Sarbanes
Gross	Matsunaga	Satterfield
Grover	Mayne	Saylor
Gubser	Mazzoli	Scherle
Gude	Meeds	Scheuer
Hagan	Melcher	Schmitz
Haley	Metcalfe	Schneebeli
Hall	Michel	Schwengel
Halpern	Miller, Ohio	Scott
Hamilton	Mills, Ark.	Sebelius
Hammer-schmidt	Mills, Md.	Seiberling
Hanley	Mink	Shipley
Hansen, Idaho	Mitchell	Shoup
Hansen, Wash.	Mizell	Shriver
Harrington	Mollohan	Sikes
Harsha	Monagan	Sisk
Harvey	Montgomery	Skubitz
Hastings	Moorhead	Slack
Hathaway	Morgan	Smith, Iowa
Hawkins	Morse	Smith, N.Y.
Hechler, W. Va.	Mosher	Snyder
Heckler, Mass.	Moss	Spence
Helstoski	Murphy, Ill.	Springer
Henderson	Myers	Staggers
Hicks, Mass.	Natcher	Stanton, J. William
Hicks, Wash.	Nedzi	Steed
Hillis	Nelsen	Steiger, Ariz.
Hogan	Nichols	Stephens
Holifield	Nix	Stokes
Horton	Obey	Stubblefield
Hosmer	O'Hara	Sullivan
Howard	O'Konski	Symington
Hull	O'Neill	Talcott
Hunt	Patman	Taylor
Hutchinson	Patten	Teague, Calif.
Jacobs	Pelly	Teague, Tex.
Jarman	Pepper	Terry
Johnson, Calif.	Perkins	Thompson, Ga.
Johnson, Pa.	Peyser	Thompson, N.J.
Jonas	Pickle	Thomson, Wis.
Jones, Ala.	Pike	Thone
Jones, N.C.	Pirnie	Tiernan
Jones, Tenn.	Poage	Udall
Karth	Poff	Van Deerlin
Kastenmeier	Powell	Vander Jagt
Kazen	Preyer, N.C.	Vanik
Keating	Price, Tex.	Vigorito
Kee	Pryor, Ark.	Waggonner
Keith	Pucinski	Waldie
Kemp	Purcell	Wampler
King	Quie	Ware
Kluczynski	Quillen	Whalen
Koch	Railsback	Whalley
Kuykendall	Randall	White
Kyl	Rangel	Whitehurst
Kyros	Rarick	Whitten
Landgrebe	Rees	Wiggins
Latta	Reid, Ill.	Williams
Lennon	Reid, N.Y.	Wilson, Bob
Lent	Reuss	Wilson, Charles H.
Link	Rhodes	Winn
Lloyd	Riegle	Wolff
Long, Md.	Roberts	Wright
McClure	Robinson, Va.	Wyatt
McCollister	Robison, N.Y.	Wydler
McCormack	Roe	Wylie
McCulloch	Rogers	Yates
McDade	Roncalio	Yatron
McDonald, Mich.	Rooney, N.Y.	Young, Tex.
McFall	Rooney, Pa.	Zablocki
McKay	Rosenthal	Zion
McKevitt	Rostenkowski	Zwach
McKinney	Roush	
	Rousselot	

NAYS—0

NOT VOTING—60

Addabbo	Edwards, La.	McCloskey
Alexander	Eshleman	McEwen
Annunzio	Evins, Tenn.	Mailliard
Ashbrook	Flynt	Mikva
Ashley	Ford, William D.	Miller, Calif.
Brasco	Frelinghuysen	Minish
Byrne, Pa.	Giaimo	Minshall
Byrnes, Wis.	Hanna	Murphy, N.Y.
Casey, Tex.	Hays	Passman
Clark	Hébert	Pettis
Clawson, Del	Hungate	Podell
Clay	Ichord	Price, Ill.
Conyers	Landrum	Rodino
Daniels, N.J.	Leggett	Runnels
Denholm	Long, La.	Smith, Calif.
Dent	Lujan	Stanton, James V.
Diggs	McClory	Steele
du Pont		
Steiger, Wis.	Ullman	Wyman
Stratton	Veysey	Young, Fla.
Stuckey	Widnall	

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Young of Florida.
Mr. Minish with Mr. Widnall.
Mr. Murphy of New York with Mr. Smith of California.
Mr. Casey of Texas with Mr. Lujan.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Diggs with Mr. Ashley.
Mr. Passman with Mr. Veysey.
Mr. Price of Illinois with Mr. Steiger of Wisconsin.
Mr. Rodino with Mr. Byrnes of Wisconsin.
Mr. Alexander with Mr. McEwen.
Mr. Byrne of Pennsylvania with Mr. Eshleman.
Mr. Mikva with Mr. Conyers.
Mr. Landrum with Mr. Ashbrook.
Mr. Giaimo with Mr. Steele.
Mr. Addabbo with Mr. Mailliard.
Mr. Runnels with Mr. Pettis.
Mr. Miller of California with Mr. Del Clawson.
Mr. Annunzio with Mr. Wyman.
Mr. James V. Stanton with Mr. Minshall
Mr. Flynt with Mr. McClory.
Mr. Ichord with Mr. McCloskey.
Mr. William D. Ford with Mr. Clay.
Mr. Leggett with Mr. Denholm.
Mr. Hays with Mr. Edwards of Louisiana.
Mr. Clark with Mr. Evins of Tennessee.
Mr. Dent with Mr. Podell.
Mr. Hanna with Mr. Long of Louisiana.
Mr. Hungate with Mr. Stratton.
Mr. Ullman with Mr. Stuckey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COOPERATIVE FORESTRY PROGRAMS

Mr. BURLISON of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8817) to further cooperative forestry programs administered by the Secretary of Agriculture, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Cooperative Forest Management Act of August 25, 1950 (64 Stat. 473, as amended, 16 U.S.C. 568c), is amended to read as follows:

"SECTION 1. The Secretary of Agriculture is hereby authorized to cooperate with State foresters or appropriate officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private landowners, forest operators, wood processors, and public agencies, with respect to the multi-use management and environmental protection and improvement of forest lands, the harvesting, marketing, and processing of forest products, and the protection, improvement, and establishment of trees and shrubs in urban areas, communities, and open spaces. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or appropriate official of the State, Territory, or possession. The provisions of this Act and the plan

agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section."

SEC. 2. Section 2 of the Cooperative Forest Management Act is amended by substituting "$20,000,000" for "$5,000,000" at the end of the first sentence.

SEC. 3. (a) The second sentence of section 3 of the Clarke-McNary Act of June 7, 1924 (43 Stat. 653, 16 U.S.C. 566), as amended, is amended to read as follows: "There is authorized to be appropriated annually not more than $40,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act.".

(b) Section 1 of the Act of October 26, 1949 (63 Stat. 909, 16 U.S.C. 566a) is hereby repealed.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BURLISON of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Florida, Mr. SIKES, the sponsor of the bill.

Mr. SIKES. Mr. Speaker, H.R. 8817 is a very comprehensive legislative package. It will update all of America's forestry programs. This has not been done for many years.

When you stop to think about it, America's forests are among our greatest assets. They are necessary to a sound environment. They represent a construction and industrial potential of tremendous cash value. They offer important watershed assets and unsurpassed recreational advantages.

Total timberland in the United States is estimated at 510 million acres with a value for land and timber of $100 billion. This is not as big as the national budget, but it is a close second. And I am sure each of us realizes nothing will ever again be as big as the national budget.

Most of us are inclined to take this really tremendous asset for granted. We assume that the forests have always been here and they always will. A look around will show that just is not true. Forest resources are steadily being depleted. There is home and industrial plant construction, highway construction, forest fire destruction, conversion of forests to agricultural land, and other activities which steadily reduce America's forest resources. I think it must be said that at no time in the history of our country has adverse pressure been greater on the Nation's forest resources.

The fact that we do recognize the importance of these assets means that at no time will America's forest resources be totally lost, but there are bare and eroded hills in many parts of the Nation which should remind my colleagues of the barren wastes which are predominant in so many parts of the world that once were timbered and where the forest resources were lost through carelessness and mismanagement.

The problem of forest preservation and improvement in America is such that despite many worthwhile activities and programs, we are not really holding our own. That is the reason for this bill. We want to do a better job for the greatest natural resource that is left to us. H.R. 8817 will make it possible. It will bring America's forestry programs up to date.

This bill will be helpful in many ways. For instance, more than half of the timber resources are in private, nonindustrial forest land. Of this, only 29 percent is considered to be properly managed. Twenty-six percent is in urgent need of planting. Forty-five percent needs timberland improvement work. Many owners do not have the financial resources or the technical capabilities to bring about these improvements. Provision for this type of work is made in the cooperative forest management program. In this area of serious deficiency, the bill now before you can bring about tremendous improvements. The present authorization for Federal funding in this program is $5 million. We propose to increase that authorization to $15 million. In this program the States are carrying the lion's share of the cost—or 69 percent—and this approximate ratio is expected to continue. The Federal Government is not going to take over the expenditures now being incurred by the States. There simply is a great deal of work that is needed which has not been accomplished. This bill will provide the opportunity.

Many of you have heard from women's clubs and others who are supporting this bill, and possibly you have wondered why they are interested in forestry. There is new authorization in the bill which would provide for an entirely new and long-needed program. Section 1 of the bill would broaden the present concept of the Cooperative Forest Management Act to assist the States and cities in the protection, improvement, and establishment of planted areas of trees and shrubs in urban area communities and open spaces. There are, of course, cogent reasons for this. Anyone who enters a city can observe first-hand the deterioration of the urban environment. Our cities are becoming barren wastelands of concrete, brick, and asphalt. Many cities, the trees which add a special dimension to the landscape and give it a much more pleasing appearance, largely are gone. Certainly a wooded area provides a healthier and more wholesome atmosphere. This section would help cities to have green wooded areas—carefully planned, strategically placed, and properly maintained; would help to prevent erosion; and would help to provide for the recreation and aesthetic needs of the people. A number of States and cities already are far along on this program. We won't take over what they are doing. We will provide advice and technical assistance. They enthusiastically endorse what we propose to do here nationwide. An authorization of $5 million is provided. Seventy-five percent of the people of the United States live in metropolitan areas. Yet, there has been no national program for better urban environment forestry practices. Obviously, such a program is overdue.

Now let us talk about the remaining section of the bill. It proposes to double the authorization for funds for fighting forest fires. Fires, of course, are the one biggest factor which deprives the public of the use of forests in obtaining needed wood products, recreation, and favorable wildlife habitat. It is also the hardest to control. Despite the fact that we are appropriating right up to the limit of the present authorization, last year was one of the worst years in history for forest fires. This year may be even worse. Medical experts say that conditions caused by these fires have brought about a large increase in the number of asthma and chronic lung disorders. Wildlife experts advise that this year's fires will have a devastating effect on game populations. The Federal Government has cooperative agreements with all 50 States for fighting forest fires, but the costs actually have been borne for the most part by the States. The Federal Government is authorized to pay up to 50 percent of the costs, but actually is paying only about 15 percent. It is not anticipated that the States will withhold funds as a result of the passage of this bill. Most of them have plans to increase the contributions they are now making. The job is a lot bigger than the money which is available to cope with it. We must do more to stop the destruction of forest land resources by fires.

Now let me call your attention to the fact that nearly 100 Members of the House have joined in the introduction of bills this session, which are intended to strengthen and update the Nation's forestry programs. The committee has carefully studied the problem and it has rewritten the proposals into a single package which I think represents the greatest forward step ever proposed for the preservation and improvement of the Nation's forest resources. We can all be proud of the bill which is advanced here and I want to express, on behalf of the sponsors of the various bills, especial appreciation to the distinguished chairman of this committee, the gentleman from Texas (Mr. POAGE); the ranking minority member, the gentleman from Oklahoma (Mr. BELCHER); the chairman of the Subcommittee on Forests, the gentleman from South Carolina (Mr. MCMILLAN); the ranking minority member of the subcommittee, the gentleman from California (Mr. TEAGUE); and all of the members of the Committee on Agriculture for a job which is exceedingly well done. May I express, also, my appreciation for the support shown this bill by a great many people in and out of Government who are genuinely interested in a magnificent national asset—the Nation's forests.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, I wonder if the gentleman could explain briefly how this legislation would apply and how the funds would be distributed under this bill to the interested agencies. Is there a set formula or a project-by-project formula? How is the money distributed?

Mr. SIKES. I will yield to the distinguished gentleman from Iowa (Mr. KYL) who is very well versed in this particular aspect of the legislation. I would suggest he provide the details and I will add to it.

Mr. KYL. One part of this bill deals with the on-going program of Federal assistance to the States for co-op forest management.

The formula under which that distribution is made is long established. The money goes where the need is.

The same thing is true regarding fire protection.

The urban forestry program is a new one.

The bill contemplates spending $5 million which is not a great deal of money when you consider all of the cities in the United States—but it is for technical assistance only and it is not to furnish trees, shrubs, and plantings. It is for technical assistance to the communities.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. I would like to commend the committee for including in this bill provisions for the protection, improvement, and establishment of trees and shrubs in urban area communities and open spaces. I presume this would include the most serious problem we have in many of our larger cities, which is the Dutch elm disease. We are faced with an epidemic in this country of Dutch elm disease. We have 20 million Dutch elms left in America, based upon present estimates, and the number of trees that are being destroyed every year by the Dutch elm disease has resulted in an estimate that by the end of this century there will be no Dutch elms left in this country. I presume local communities could get some technical assistance in developing more effective programs to deal with Dutch elm disease within the provisions of this act. Am I correct in that assumption?

Mr. SIKES. It is intended under the provisions of this bill that the Federal Government will supplement the forestry programs which now are being carried out by the States. Primarily the Federal Government provides advice and technical assistance. The work of the States and cities in the new national urban renewal programs will also be supplemented and not taken over by the Federal Government. In all of these programs the primary level of activity is determined by State interest in State programs. It will vary, of course, the amount of work required to meet local need to cope with fire control and other forestry programs. There is a schedule by which each State can receive a proper and proportionate share of Federal funds. Disease control is not the primary purpose of the bill. It is done under research programs. Nevertheless, there is guidance under the program for disease and insect control. This supplements disease and insect control under other programs.

Mr. TEAGUE of California. Mr. Speaker, I yield to the gentleman from Iowa (Mr. KYL) as much time as he desires.

Mr. KYL. Mr. Speaker, responding to the gentleman from Illinois, in such problems as control of the Dutch elm disease, we have ongoing programs under the Department of Agriculture in research and beyond research, and they are funded in the Appropriations Act.

I would like to point out one of the difficulties we have in a program of this nature. Right now we have some chemicals which have at least shown promise in certain pilot operations in the control of Dutch elm disease, but because they also present some danger to animals, such as squirrels, and birds, the Agriculture Department has not permitted broad use of those chemicals. Whenever we seek to combat a malady such as the Dutch elm disease we run into a problem of controversy, because there are other values environmentally that are involved. One must weigh, for example, the spraying of DDT to kill Dutch elm disease along with the comparable losses environmentally through the use of that chemical.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I presume this legislation would permit further work, discussions, research, and the development of techniques in this field, and that that is the purpose. I would like to congratulate the committee for including the urban areas in this bill, recognizing the fact that we have serious problems in the urban areas. Certainly I would like to urge support of this legislation for that reason, along with the other excellent reasons in this bill.

I am very pleased that the committee deemed it proper and wise to include urban areas for assistance under this act, and I wish to thank the committee for that move.

Mr. KYL. Mr. Speaker, there is always a temptation to become rhapsodic, even emotional, on matters pertaining to the forests of the Nation. I will not take that course, because this proposal before us today is so logical. Let us stay with the facts.

Understanding the bill should be easy. First, the background.

The private, nonindustrial forest lands of America are the most neglected segment of our commercial forests. This is a serious statement when we look at the composition of our forest lands. The Government owns 130 million acres of commercial forest lands—130 million acres. Forest industries own 63 million acres. Three hundred seventeen million acres are owned by individuals and groups, usually in relatively small plots of a hundred acres or less. We may, thus, have a large forested area, but it has very many different owners.

In other words, 60 percent of the total commercial forest lands are in this private, nonindustrial category. It is with these lands that the first sections of the bill are concerned.

These lands have some distinct advantages. They are generally the most accessible. They contain the best growth potential. But they are in the poorest condition. This fact is of national concern because it is obvious they will have to make a much greater contribution to the Nation's fiber needs.

I say they are in the poorest condition. Only 29 percent are considered as properly managed. Twenty-six percent are in urgent need of planting or seeding to establish acceptable forest cover or to reinforce substandard tree stocking. Forty-five percent are found to be in need of timber stand improvement to improve individual tree quality, species composition or growth rates.

Long ago, the importance of this category of timberlands was recognized. The Federal Government initiated a program of cooperative forest management, working with the various States.

The States have carried the big financial load. They now employ 850 service foresters, providing services to more landowners. They have been successful, but today they reach fewer than 3 percent of the owners each year. For emphasis again, I note here that 70 percent of the southern States' forests, 143 million acres out of a total of 200 million acres are owned by more than 4 million individuals. This area alone must produce 2.3 times more wood by the year 2000 to meet its share of the Nation's needs.

In 1970, the Federal appropriation for this co-op service was $4,130,000, the States' contribution, $7,971,000. In 1971, the Federal share was $4,950,000. This bill would provide a Federal share of $15 million. I favor this increase.

Next, this bill would increase the Federal Government's share for fire prevention and firefighting to $40 million a year. The original law in this regard provided that the Federal Government could contribute up to 50 percent of the total funds expended. In 1970, Uncle Sam's contribution was not 50 percent but was, rather, 14.5 percent. This is a Federal share of $16.4 million of a total of $113 million.

Why should this fund be increased? In 1970, large fires accounted for a half of 1 percent of the total number of fires, but accounted for 36 percent of the area burned. I noted, parenthetically, that 90 percent of the total number of fires are still man-caused fires.

The average size of fires has decreased, indicating more efficiency of attack. The total number of fires has reached a plateau. It is about the same for the last 10 years as in the previous 10. This is a sign of progress, because there is today a much greater use of forests by people, and the hazards have, therefore, been tremendously increased. It can be said in truth that fire prevention campaigns have been successful.

Yet, in 1969, 2.9 million acres of land were burned on all forest regions in all protected land. In 1969, an area equivalent to the State of Maryland was consumed by wildfire. In the period from 1965 through 1969, an area equal to all of Vermont, New Hampshire, Massachusetts, and Rhode Island was ravaged by wildfire. Our southern forests are reduced by 1 percent each 2 years, ravaged by wildfire.

Parenthetically, I add that the 1970 fire season in the national forests was one of the most disastrous and costly in history; 555,831 acres of Forest Service protected lands were burned. Seven lives were lost and millions of dollars damage was suffered by our national resources.

We need an increased effort in fire protection.

The third section of the bill is of a dif-

ferent character but, nonetheless, significant.

This section proposes a $5 million a year program for urban forests. There are 133 cities in the United States with a population of more than 100,000 and 594 cities of between 25,000 and 100,000 people. Five million dollars will not go far.

However, I am confident that the committee considers the $5 million figure as a means of determining what can be done and what should be done, rather than considering the amount as "seed money." All funds would be used for advising and consulting rather than for tree planting and associated activities. The funds are for "intelligence," not planting.

Atlanta, Ga., is an example of what can be done: 65 percent of the city is tree-covered. This lends to beauty, coolness, bird life, et cetera, but also actually produces lumber under a well-organized and managed long-range program of urban forestry.

I know this is not a total answer to our problems on private, nonindustrial forests. We need a broad program of incentives and long-term credit. One actual proposal in this regard would cost about $100 million a year. This is not proposed in this bill. I hope we can move toward that goal with other legislation. I strongly recommend passage of the bill we have before us today.

Mr. TEAGUE of California. Mr. Speaker, I would like to make two brief points for the RECORD. One is the committee was somewhat concerned about the fact that the various States might cut down or cease to participate financially in the programs and to pay a fair share of what they should.

Therefore, the committee intends to continue to review this program and suggests respectfully that the Committee on Appropriations do likewise.

Another point: Some of the Members may recall a year or 2 ago we had something called the "Timber Supply Act" before us, which I was very much against and which I helped lead the fight against and defeat, which affected for wilderness areas and potential wilderness areas. For the benefit of ecologists or environmentalists present, I assure the Members this does not invade upon or get into the wilderness areas in any way.

Mr. BURLISON of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, earlier this year, I introduced three bills: H.R. 6082, to authorize additional funds for cooperative forest management; H.R. 6084, to authorize additional funds for cooperative forest fire protection; and H.R. 6086, to authorize an urban environmental forestry program.

Following extensive hearings on this legislation, the Committee on Agriculture, chaired by that distinguished gentleman from Texas, who is knowledgeable and farsighted in the field of forestry and for that matter in all agricultural matters, reported to the House of Representatives, H.R. 8817, which we are considering today.

I was pleased that the ideas which were contained in the three bills which were cosponsored by myself and a good many other Members of the House of Representatives, were incorporated into the provisions of this basic legislation. I would urge my colleagues to lend their support to the bill which we have before us today.

Never have pressures on the Nation's forest resources been as great as they are today. Constantly, new demands are made by homebuilders and buyers, recreationists, conservationists, and others who clamor for forest uses.

Most of the pressure is directed at managers of the public commercial forests which make up about 30 percent of the Nation's total and which currently produce about half of our timber supplies. There continues to be heavy demand on the western national forests for lumber and plywood for building construction. However, both public and private forests together must bear the future impact of changing and increasing demands for wood, water, recreation, clean air, and other benefits. Although we can expect further increases in production from the public forests, the point of diminishing returns is in sight.

Therefore, the nonindustry private forests must step into the breach. This 300 million acres of commercial forest—60 percent of the total—can, and should, provide at least 50 percent of our long-term needs for forest products.

Timber-growing sites on these private forest lands are relatively good; in fact, probably better than on most public forest lands. However, growing stock has deteriorated because of past abuse and poor management. Many of these forest owners have neither the financial resources nor the technical knowledge necessary to bring about improvements.

The cooperative forest management program is a State-action program with State-employed service foresters providing direct assistance to private forest owners. This, and other cost-sharing programs, have resulted in gains in tree planting and timber stand improvement—about 9 million acres in the last 20 years.

However, to improve the productivity of the nonindustry private forests will require much effort and large expenditures of money. Tree planting or seeding is needed on 103 million acres of non-Federal rural land. Timber stand improvement is required on 178 million acres.

Assistance is needed to initiate more efficient and economical logging methods, consistent with restraints and modifications needed in harvesting timber in heavy recreational use areas in my home State. Workshops, training, and other assistance is needed in forest products utilization, processing, and marketing.

During the past 20 years the CFM program in the States has shown a growing concern for recreation, the environment, and other values. State-employed service foresters serve as "frontline" troops in guiding forest owners to improved management and protection of their forest resource. These service foresters are also a great aid to rural community development and provide valuable assistance to private consultants, contractors, and the forest-based industries.

Although this program has proved to be effective, its growth has not kept pace with changing needs. Many of the States today are in desperate straits because of a shortage of appropriations to carry on the work.

In fiscal year 1971, the appropriation is $4,950,000. The authorization allotment for this program is only $5,000,000.

It is extremely necessary, therefore, to increase the Federal authorization. An increase to $20,000,000 is needed.

A major threat to our Federal and private forests is, of course, fire. I fear that the Federal Government has not been meeting its responsibilities in the cooperative forest fire protection program. The Clarke-McNary Act of 1924 authorizes and directs the Secretary of Agriculture to recommend adequate systems of fire prevention and suppression for each forest region of the United States. It also authorizes him to share the cost of such protection up to a maximum of 50 percent. While this does not commit the Federal Government to spending the full 50 percent of such costs, I believe it does place upon it the responsibility of providing enough funds to insure adequate protection without placing too great a burden on the individual States. At the present level of Federal financing, about 14.5 percent, I believe that we are not carrying our share of the load and, therefore, I support H.R. 8817 which would authorize additional funds for this program.

The need for well-equipped, well-trained, efficient firefighting forces increases constantly as our forest resources per capita diminish and their value increases. We can no longer afford the losses occasioned by large forest fires. We must provide the means to reduce the number and size of such fires as much as is humanly possible and economically feasible.

Last fall in California, alone, we suffered intolerable losses. In one 9-day period, southern California had forest fires that caused, at a conservative estimate, $200 million worth of damage to resources and improvements. May I point out that the increase in fund authorization requested in the bill being considered is equal to only one-tenth of that amount and that it would be spread over all 50 States and over a whole year's time.

Mr. Speaker, we are talking about money and properly so. H.R. 8817 is a bill to authorize the spending of more money. It proposes increases in the basic authorization for this program from $20 to $40 million. Furthermore, it is relatively easy to place a monetary value on the tangible resources and improvements, thus giving us something concrete to talk about. However, where forest fires are concerned, there are other values that cannot be reduced to dollars and cents. Last fall's fires in southern California blackened over 430,000 acres. This would be equal to a strip of land 1 mile wide extending from Los Angeles to the Oregon border or from Washing-

ton, D.C., to about 40 miles south of Atlanta, Ga. Try to imagine what a blot that makes on the landscape. Who can estimate the thousands, perhaps millions of birds, animals, and fish that lost their lives in those fires? Who can imagine the collective sorrow and inconvenience brought upon the 795 families that lost their homes in those fires or of the families of the 14 persons who died there? Who can imagine the anxiety of the thousands of families forced to flee their homes, not knowing whether they would have homes to return to? Many of them had to abandon pets and other cherished possessions. Who can place a monetary value on any of these things or on the pollution these fires caused to California's lakes, rivers, and air?

Mr. Speaker, we cannot continue to sustain losses like those we suffered in California last fall and in Florida this spring. We do not have the resources to spare and our environment cannot stand the impact of such violent assaults. We must build up our capability to prevent and suppress wildfires to the point that such occurrences are rare rather than commonplace. We cannot expect the States to do the job alone. Most of them are extended about as far as they can go in this direction now. No, the Federal Government must face up to its responsibilities and carry its share of the load. Enactment of this bill would be a step in the right direction.

And finally I turn to the urban environmental forestry program.

Much like giant air conditioners, trees help to cool the city. They provide shade and protection from the elements, and they soften harsh contours of crowded buildings. They clean the air. They deaden sound. And, perhaps most important of all, they provide each city with a much needed measure of beauty and serenity. In fact, a single tree in the city can be appreciated more than entire clusters of its country cousins.

The problems inherent in our modern urban environment have reached crises proportions. Throughout the United States, both in large cities and in smaller communities, a forestry program is urgently needed—needed not only to improve the environment, but also to guide growth and expansion of existing and new cities.

Leadership, coordination, and technical support necessary to assist the States and local communities in an expanded and revitalized forestry program is available in the U.S. Department of Agriculture. The Forest Service, by virtue of many years of administering a cooperative forestry program, has already established the necessary working relationship with State forestry agencies. The Federal role is envisioned as that of providing national leadership and coordination. Primarily, the program is intended for activation at the State and local level and should not involve large numbers of Federal personnel.

Many benefits are to be derived from this program. It will rejuvenate blighted and impoverished slums and urban centers. Suburban areas and small towns will once again become healthy and attractive places in which to live.

Without doubt, the program envisioned in H.R. 8817 will enhance the mental, physical, and social well-being of millions of our citizens throughout the Nation.

As soon as authorization is obtained, the urban forestry program can be set in motion. Accordingly, I hope this committee will take the initial step toward this goal and approve this act.

Mr. BURLISON of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the increasing demands being made on our Nation's forests for commercial and recreational use have outdated present forest management legislation. We have before us today, however, a bill that will do much to improve woodland management and bring about an effective, long-lasting forestry program. This bill, H.R. 8817, includes the basic provisions of several forestry bills introduced by Congressman SIKES, myself, and a number of other colleagues last March.

The alarming rate of forest destruction through fire and improper management should provide all the impetus needed for immediate passage of this bill. With over 210 million acres of private and noncommercial woodland considered improperly managed and 31 million acres without fire protection, our forest resources are in serious danger.

The maintainance of adequate fire protection is essential to wood production, recreation, and favorable wildlife habitat. But to date, the contribution of Federal funding in this area has been small, as States have had to bear 85 percent of this protection cost. The technical and financial assistance provided by this measure will help to meet the inadequacies of State and local forest fire prevention forces. By increasing the funds authorized for cooperative fire protection of non-Federal lands from $20 to $40 million, more acreage can effectively be brought under the protection of State and local firefighting divisions.

Projections indicate a developing crisis in the availability of commercial woodlands to meet our greatly increasing lumber demands. One solution certainly lies in the 300 million acres of underdeveloped private, nonindustrial woodlands. The proper usage of this land depends on technical skill and knowledge not found among nonindustry private owners today. Through the cooperative assistance section of this bill under which an additional $15 million is authorized for forestry assistance to landowners, management skills can be provided for proper timber cutting and seeding planting. Additional assistance will be made available to owners who wish to develop recreation or conservation facilities.

A lack of technical assistance also exists in the urban and suburban areas where no Federal funding has been available for management programs. The citizens of these areas are beginning to recognize the importance of preserving wooded regions and green belts. Scientists have demonstrated the need to protect, improve, and establish native trees and shrubs in the private and public areas of the cities, because of their ability to renew the atmosphere, filter the air, muffle noise, conserve moisture, and control erosion. The resources to develop management programs are not available in these regions. Broadening the scope of the Cooperative Forest Management Act to urban and suburban areas will provide cities with the assistance they need.

The combined effect of this legislation will be a balancing of the expenditures of the Federal and State governments. The States can no longer be asked to provide over 80 percent of the funds necessary in the preservation of our Nation's forests. The responsibility for looking ahead and establishing effective assistance programs to assure adequate woodland areas for all usage is ours. I am pleased that the Committee on Agriculture has brought this bill to the floor.

(By unanimous consent, Mr. BURLISON of Missouri was allowed to speak out of order.)

BURLISON URGES POFF RECONSIDERATION

Mr. BURLISON of Missouri. Mr. Speaker, it was most disappointing to learn over the weekend that our distinguished and able colleague, the gentleman from Virginia (Mr. POFF) withdrew his name from consideration for appointment to a vacancy existing on the U.S. Supreme Court.

Many of us do not agree with the political philosophy of President Nixon. At the same time, our system of government is so structured that the President is given the privilege of filling presidential appointments with those who share his philosophy. The people of this country elected Richard Nixon their President in 1968. If they do not like his philosophy, or his performance in office, they will have an opportunity to say so in November 1972.

The gentleman from Virginia is recognized in this body as the top ranking constitutional lawyer herein. He is eminently qualified for this high office. I would hope that he will reconsider his withdrawal from contention, and that the President will reconsider his acceptance of Mr. POFF's withdrawal. Hopefully, the President will submit Congressman POFF's name to the Senate for confirmation.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. MCMILLAN).

Mr. MCMILLAN. Mr. Speaker, the House Subcommittee on Forestry held extended hearings on this proposed legislation. We did not find anyone who seriously objected to this proposal. My subcommittee feels this proposed legislation will prove to be of great benefit to the forestry industry in this country. We know the people of our country are becoming forestry minded. This legislation, I think, will add a great deal to preserving our forests and preventing fires.

Mr. BURLISON of Missouri. Mr. Speaker, I yield such time as he may

consume to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, I rise in support of this bill. I think it is a cooperative program. The local forest programs need to be strengthened. This will go a long step in that direction.

Mr. Speaker, I support the legislation.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 8817. Preservation and improvement of our forests are of concern to Americans. In my Eighth District and throughout much of Virginia, forestry is one of our most important enterprises, both in terms of employment and revenue. With reasonable care and foresight, there is no good reason why this should not continue to hold true indefinitely.

H.R. 8817, as already outlined, increases the extent and coverage of cooperation among Federal, State, and private forest groups to the end that forests can be improved, protected from fire and other hazards, and more wisely managed for the good of the country. It also would improve urban areas and communities by authorizing plantings of trees and shrubs.

Today we still have vast forests, but we have seen enough indications in the past to realize we must apply our best efforts to increasing both the quality and quantity of our forests if we are to keep abreast of America's growing requirement for its products.

I hope the House will give strong approval to H.R. 8817 so that we can meet the Nation's current and anticipated future needs for lumber and other forestry products as well as such popular recreation byproducts as picnic and camping areas.

Mr. CLEVELAND. Mr. Speaker, as a cosponsor of the original bills incorporated into H.R. 8817, to update and expand the cooperative forestry programs, I support passage of this needed legislation.

At the time the Forests Subcommittee of the House Committee on Agriculture was holding hearings on this legislation, I submitted a statement in support of the three-bill package that later became H.R. 8817. The points made then deserve repetition.

Our forest resources play a very important role in the welfare of our people. They provide jobs, wood for homes, habitat for wildlife, and places in which to recreate while their hills and valleys serve as catchments for vital supplies of water. In this vast complex the properties of some 4 million private, nonindustrial owners exert a major influence because they occupy nearly 60 percent of all the commercial forest land. Therefore, it is imperative that these private forests produce their share of the goods and services needed by the Nation as a whole.

Surveys in my State of New Hampshire and elsewhere show that private forest owners will improve their properties if shown how to do so. This educational effort is being carried on by the Society for the Protection of New Hampshire Forests, by public service foresters, and by private consulting foresters. But their combined efforts fall far short of reaching more than a small fraction of the many landowners in our State. We need to strengthen this educational effort.

Similar efforts need to be exerted in protecting our forests from damage by fire. While we in New Hampshire have been blessed with an excellent protective organization for some years, other parts of the Nation have not been so fortunate. There still are 45 million acres of commercial forests and nonforested watersheds that do not receive any protection at all. In addition, there are some 200 million acres that are not protected adequately. These areas are being damaged severely in the present rash of spring fires. The protective program needs to be improved.

I am deeply interested in initiation of a program of urban environmental forestry. As you know, about three-fourths of the Nation's people live in cities. By the year 2000 the percentage of urban residents may increase to 85 percent, according to present trends. These people need the benefit of the ameliorating effects of trees and shrubs upon their environment.

Let me point out a single example well known to all of you. Rock Creek Park, a long corridor of trees extending from the center to the outer limits of Washington, provides natural air drainage for a major portion of the city. In addition to offering a place for much-needed recreation by thousands and thousands of people, the trees in the park recharge the atmosphere, filter dust particles from the air, control wind movements, and deaden sound. It is of considerable importance that these trees be kept in a healthy growing condition.

Pioneering programs of urban forestry in some 30 communities in Georgia, Missouri, Illinois, Mississippi, and Arkansas during the past 4 years attest to the effectiveness of such an approach to improvement of the environment.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House suspend the rules and pass the bill, House Resolution 8817, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the bill just passed (H.R. 8817).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROHIBITING PIRACY OF SOUND RECORDINGS

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes, as amended.

The Clerk read as follows:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17 of the United States Code is amended in the following respects:

(a) In section 1, title 17, of the United States Code, add a subsection (f) to read:

"To reproduce and distribute to the public by sale or other transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work if it be a sound recording: *Provided,* That the exclusive right of the owner of a copyright in a sound recording to reproduce it is limited to the right to duplicate the sound recording in a tangible form that directly or indirectly recaptures the actual sounds fixed in the recording: *Provided further,* That this right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording; or to reproductions made by transmitting organizations exclusively for their own use."

(b) In section 5, title 17, of the United States Code, add a subsection (n) to read:

"Sound recordings."

(c) In section 19, title 17, of the United States Code, add the following at the end of this section: "In the case of reproductions of works specified in subsection (n) of section 5 of this title, the notice shall consist of the symbol Ⓟ (the letter P in a circle), the year of first publication of the sound recording, and the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner: *Provided,* That if the producer of the sound recording is named on the labels or containers of the reproduction, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice."

(d) In section 20, title 17, of the United States Code, amend the first sentence to read: "The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music, or if a sound recording on the surface of reproductions thereof or on the label or container in such manner and location as to give reasonable notice of the claim of copyright."

(e) In section 26, title 17, of the United States Code, add the following at the end of the section: "For the purposes of this section and sections 10, 11, 13, 14, 21, 101, 106, 109, 209, 215, but not for any other purpose, a reproduction of a work described in subsection 5(n) shall be considered to be a copy thereof. 'Sound recordings' are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture. 'Reproductions of sound recordings' are material objects in which sounds other than those accompanying a motion picture are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and include the 'parts of instruments serving to reproduce mechanically the musical work', 'mechanical reproductions', and 'interchangeable parts, such as discs or tapes for use in mechanical music-

producing machines' referred to in sections 1(e) and 101(e) of this title."

SEC. 2. That title 17 of the United States Code is further amended in the following respect:

In section 101, title 17 of the United States Code, delete subsection (e) in its entirety and substitute the following:

"(e) INTERCHANGEABLE PARTS FOR USE IN MECHANICAL MUSIC-PRODUCING MACHINES.—Interchangeable parts, such as discs or tapes for use in mechanical music-producing machines adapted to reproduce copyrighted musical works, shall be considered copies of the copyrighted musical works which they serve to reproduce mechanically for the purposes of this section 101 and sections 106 and 109 of this title, and the unauthorized manufacture, use, or sale of such interchangeable parts shall constitute an infringement of the copyrighted work rendering the infringer liable in accordance with all provisions of this title dealing with infringements of copyright and, in a case of willful infringement for profit, to criminal prosecution pursuant to section 104 of this title. Whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice."

SEC. 3. This Act shall take effect four months after its enactment except that section 2 of this Act shall take effect immediately upon its enactment. The provisions of title 17, United States Code, as amended by section 1 of this Act, shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and before January 1, 1975, and nothing in title 17, United States Code, as amended by section 1 of this Act, shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before the effective date of this Act.

The SPEAKER. Is a second demanded?

Mr. RAILSBACK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, existing Federal copyright law protects owners of copyright in musical works, but there is no Federal protection of sound recordings, as such:

> Sound recordings are works that result from the fixation of a series of musical, spoken, or other sounds . . ." p. 3, line 17.

As a result, record pirates, if they satisfy the claims of the owners of the musical copyrights, can and do engage in widespread unauthorized reproduction of phonograph records and tapes without violating Federal copyright law. It is also true that the statutory protection being given the owners of copyright in musical works with respect to recordings of their work is special and limited.

The purpose of S. 646, which passed the Senate last April, is twofold:

First, section 1 creates a limited copyright in sound recordings, as such, making unlawful the unauthorized reproduction and sale of copyright sound recordings. The right is "limited" in that it does not include protection with respect to performances. By committee amendment this newly to-be-created right applies only to sound recordings that are fixed, published, and copyrighted on and after the effective date of the legislation and before January 1, 1975.

Second, section 2 of the bill provides that persons engaging in the unauthorized reproduction of copyrighted musical works, for example, by failing to pay the royalty prescribed by law, shall be subject to all the provisions of title 17 dealing with infringement of copyrights, including, in the case of willful infringement for profit, criminal prosecution pursuant to section 104. The committee knows of no objection to the provisions of section 2.

I stress the fact that these proposals are not new. The provisions of both sections 1 and 2 of the bill found their way into copyright law revision legislation (H.R. 2512, 90th Congress) reported by this committee and passed by the House in 1967.

REASONS FOR THE LEGISLATION

The attention of the commitee has been directed to the widespread unauthorized reproduction and sale of phonograph records and tapes. Modern technology makes possible the off-the-air taping of sound recordings at fractional costs, enabling profitable low-cost distribution. It has been estimated that the annual volume of such piracy is now in excess of $100 million.

If the unauthorized producers pay the statutory mechanical royalty for the use of copyrighted music, there is no Federal remedy to combat the unauthorized reproduction of recordings. State remedies * are largely nonexistent and are uncertain at best. The creation of a limited copyright in sound recordings as is done by S. 646 offers a rational solution. It is a solution that is supported by the U.S. Copyright Office and by the Departments of State, Justice, and Commerce. The committee similarly believes that the interest of the producers of sound recordings in freeing their product of piracy—defining piracy as the unauthorized commercial duplication and sale of a reproduction of a sound recording—warrants legislative effectuation and support.

THE GENERAL REVISION

The committee regrets that action on the bill for general revision of the copyright law has been delayed and that the problems of record piracy have not been dealt with as part of a broad reform of the Federal copyright statute, but we are persuaded that prompt action to prohibit piracy is in the public interest. Our action is not to be interpreted as precedent for the enactment of separate legislation on other matters involved in copyright law revision.

COMPULSORY LICENSE NO PRESENT SOLUTION

In the other body, as well as at the hearing before a judiciary subcommittee certain representatives of so-called pirates abandoned the effort to justify the appropriation of sound recordings through uncompensated and unauthorized reproduction. They urged instead that the reproduction of sound recordings be made subject to a compulsory license and the payment of a statutory royalty.

The Senate rejected this proposal (S. Rept. 92–72, p. 6) and the committee agrees. We believe that a strong case has been made for protection against the current practices of the so-called pirates, and that a case for a compulsory license has not been established. Any such compulsory license would require establishment of complicated procedural machinery. What is more, any such compulsory license would necessarily extend to all record producers and any of their recordings. It would have drastic consequences even if some way could be found to establish a fair rate and insure a fair division of receipts. A pirate could select those recordings that became hits, thus invading the producer's market for his profitable recordings, while leaving the producer to suffer the losses from his unsuccessful ones. The committee can further examine this issue in connection with the general revision.

REASON FOR AMENDMENT

Although the committee recommends the prohibition of the unauthorized reproduction and distribution of recorded performances and although we believe that it would be impracticable and unfair at this time to attempt to fashion a compulsory license system to cope with the piracy problem, the committee has offered an amendment to the Senate bill that would restrict the application of the sound recordings provisions to recordings fixed, published, and copyrighted on and after the effective date of the legislation but before January 1, 1975.

The purpose of this terminal provision is to provide a period for further consideration of alternatives for solving the piracy problem before resorting to permanent legislation. By January 1, 1975, moreover, the protection of sound recordings will, it is hoped, be a definitive part of a copyright law revision.

COST TO THE UNITED STATES

After the hearings before the subcommittee, the Assistant Register of Copyrights testified that administration of copyright in sound recordings could be accomplished for approximately $100,000 a year, and could be accomplished better for $125,000. This estimate was based on the assumption that there would be approximately 15,000 registrations a year. The assistant register added that if the registration fee continued at $6 as at present, there would automatically return to the Copyright Office approximately $90,000 in fees. The committee accepts and adopts these estimates.

I urge favorable action on S. 646 and I yield back the balance of my time.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to my friend from Texas.

Mr. KAZEN. Am I correct in assuming that the bill protects copyrighted

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*[State laws on piracy exist in Arkansas, Arizona, California, Florida, New York, Tennessee, Texas, and Washington.]

material that is duplicated for commercial purposes only?

Mr. KASTENMEIER. Yes.

Mr. KAZEN. In other words, if your child were to record off of a program which comes through the air on the radio or television, and then used it for her own personal pleasure, for listening pleasure, this use would not be included under the penalties of this bill?

Mr. KASTENMEIER. This is not inincluded in the bill. I am glad the gentleman raises the point.

On page 7 of the report, under "Home Recordings," Members will note that under the bill the same practice which prevails today is called for; namely, this is considered both presently and under the proposed law to be fair use. The child does not do this for commercial purposes. This is made clear in the report.

I might also add, Mr. Speaker, so far as cost of the legislation is concerned, that we are advised by the copyright office that to administer this would cost about $100,000. Anticipating 15,000 registrations a year, it could cost as much as $125,000 depending on what scheme is used, but we are also advised that the present fee schedule of $6 for registration would recoup approximately $90,000 of that amount. So there is almost an offset in terms of cost to the Government of enforcing the legislation here today.

Mr. SEIBERLING. Will the gentleman yield for a question?

Mr. KASTENMEIER. I yield to my friend from Ohio.

Mr. SEIBERLING. After this legislation was reported out of the Committee on the Judiciary I received communications from some of my constituents who were in the record and tape recording retail business. They stated that there this legislation would deprive them of their commercial rights as dealers in tapes and recordings and would tend to promote a monopoly on the part of the large recording corporations. I must say that I saw nothing in the legislation that would so indicate, but I wonder if you would care to address yourself to that question.

Mr. KASTENMEIER. I thank the gentleman for raising that point.

The fact of the matter is that present practice undercuts the producers of tapes and records. This is not truly competitive, as is pointed up by the Justice Department's report on the measure. The report says, and I would like to quote:

> The competition provided by the pirate record industry does not promote any of the traditional benefits of competition. Although the pirate record companies may greatly undercut the prices charged by the creative industry, their ability to do so results in large part from the fact that they do not compensate the creative writers and artists involved. Such practices discourage the investment of money and talents in new performances and has the potential to gravely injure creative recording.

So we are not talking about something which is truly competitive. Stores will have records, wholly authorized records, to sell to patrons, and in the long run they will not be injured.

Mr. SEIBERLING. In other words, this is an effort to insure that the artists who made the recordings as well as those who produced the compositions will be properly compensated through the licensing arrangements they enter into with the recording companies, who will be in a much better position to protect them than they are under the present state of the law. Is that correct?

Mr. KASTENMEIER. Yes. What the gentleman from Ohio says is true. Not only are the record companies that actually produce the records adversely affected by piracy, but all recording artists who contract their services to produce the records are also undercut, inasmuch as the pirates do not pay them. Some pirates may pay the statutory royalty to the owners of copyright, in musical compositions but they do not in the fact pay for the production of or the talent that goes into the sound recording, because the latter is not protected by copyright.

The problem exists also in the foreign field. We will have a delegation going to Geneva later this month. Our delegation will seek a treaty in concert with other nations affecting phonograms, which are in fact sound recordings. To make our own laws consistent with those of other nations the passage of this legislation is badly needed.

Mr. SEIBERLING. I thank the gentleman for his excellent explanation.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to my distinguished chairman, the gentleman from New York (Mr. CELLER).

Mr. CELLER. In essence the bill seeks to prevent thievery and piracy. Is that not the real essence of the bill?

Mr. KASTENMEIER. Yes. As usual, my chairman is terse and to the point. It does that.

I reserve the balance of my time.

Mr. RAILSBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my good friend and colleague, the distinguished gentleman from Wisconsin (Mr. KASTENMEIER), in urging enactment today of S. 646, a bill designed to accomplish two urgently needed revisions of the copyright law:

First, this bill would create a Federal copyright in sound recordings. It would, therefore, for the first time provide legitimate producers of phonograph records and tapes with effective legal remedies against the so-called pirates who have been reproducing their products without authority, and selling them in competition with the original producers themselves.

This piracy has become so widespread in recent years that it has been reliably estimated that the practice is currently costing legitimate manufacturers of sound recordings approximately $2 to $3 million per week, and well over $100 million per year.

I agree with the Librarian of Congress, who wrote to the chairman of the Committee on the Judiciary, the Honorable EMANUEL CELLER, on May 25, 1971:

> The national and international problem of record piracy is too urgent to await comprehensive action on copyright law revision, and that the amendments proposed in S. 646 are badly needed now.

The Departments of State, Justice, and Commerce have likewise expressed their strong support of this measure. Indeed, the Department of State concurs with the committee's sense of urgency in seeking prompt passage of the bill, because the United States has played an active role in the development of an international antipiracy treaty which is expected to be adopted at a diplomatic conference which will be held in Geneva this very month.

The unauthorized reproduction and commercial duplication of sound recordings cannot be defended on grounds of equity or public economic interest, so far as could be determined from the evidence adduced in the hearings which Subcommittee No. 3 held on this bill and its House counterpart.

There is no less justification for granting copyright protection to those who invest their time, talent, and financial resources in the process of bringing together composers, performers, sound technicians, and editors to create a final marketable product—the sound recording—than there is for granting such protection to the producers of motion pictures, as current Federal law provides.

Likewise, I have heard no convincing argument to support the contention of the pirates that they should be granted a compulsory license to duplicate and sell the sound recordings produced by the talents, resources, labors, and risks of others. I regard the motion picture analogy here, too, as apt as persuasive that the equities lie against, rather than with, the pirates.

The second, and related, purpose of S. 646 is to confer upon the holders of copyrights in the musical compositions which are the subject of recorded performances the full panoply of remedies for copyright infringement which are accorded to such copyrightholders for other forms of infringement. This would include the imposition of criminal penalties for any wilful infringement for profit.

This latter provision of the bill would take effect immediately upon the act's signing into law by the President, whereas the provisions dealing with the creation of a copyright in sound recordings themselves would not become operative until 4 months after enactment.

The committee's amendment to section 3 of the bill is intended to prevent the new rights created by section 1 of the bill from vesting in any party after December 31, 1974. Any copyright obtained on or before this expiration date, however, will be a full-term copyright, fully renewable.

It is hoped that the committee's amendment will serve two functions: First, to provide an additional incentive for both Houses of Congress to effect general copyright law revision at an early date. Second, to create an experimental period, pending such general revision, during which Congress can monitor and study the economic effects of S. 646, with an eye toward incorporating into a general revision bill whatever modifications of the approach employed in the current bill might appear warranted by our experience thereunder.

In 1967 the House passed a general copyright law revision bill containing the essential provisions of S. 646, but the other body did not act upon it. The pas-

sage today of this bill will serve, therefore, to accomplish purposes which we have already recognized as both legitimate and pressing, and I urge my colleagues to lend their enthusiastic support to that effort.

Mr. FULTON of Tennessee. Mr. Speaker, for years, the term "pirate" has conjured up thoughts of bluebeards and Captain Kidds plying their "trade" on the open seas, beneath a fluttering skull and crossbones. As we have been led to believe by old Errol Flynn movies, theirs was a heroic, gallant life—almost.

I would commend the action of my colleagues, however, as they moved today to halt a different form of "piracy", a modern form in which no "Jolly Roger's" are unfurled, no open seas are charted, no gallantry or heroism even remotely demonstrated. I am referring to the "piratic" practice of stealing the lyric and music possessions of legitimate recording firms and artists, people paying or receiving royalties for the right to present their work to the public.

Perhaps few people outside the recording industry realize that for every song that makes its way to the pop charts and scurries up the "hit parade," nine are discarded as rejects, to be counted as a financial, if not artistic, loss. Perhaps few recognize that for companies and artists to stay in business, these losses must be covered by the financial success of those few recordings which do "click."

Under an enterprise system in which the legitimate owners could claim full financial benefits from the songs they produce and record, companies and artists in a highly competitive and admittedly speculative field would stand at least a fair chance for success. However, the presence of those who may purchase the original recording, re-record, and distribute with no regard for copyrights, royalties, or other legal safeguards, make just survival for many firms a difficult task. No industry—even in a strong economy—can year after year lose as much as $100 million and be counted on to thrive.

As the representative from Nashville, "Music City, U.S.A." famous for its "Nashville Sound," I applaud the positive step taken by my colleagues in passing legislation extending Federal limited copyright protection to those firms and artists operating in the legitimate recording field. Hopefully, from this point, the music you hear will remain artistically pleasing; assuredly, it will be honestly paid for, distributed and produced.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill, S. 646, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FISHERMEN'S PROTECTIVE ACT AMENDMENT

Mr. DINGELL. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3304) to amend the act of August 27, 1954, commonly known as the Fishermen's Protective Act, to conserve and protect Atlantic salmon of North American origin, as amended.

The Clerk read as follows:

H.R. 3304

A bill to amend the Act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fishermen's Protective Act of 1967 (68 Stat. 883, as amended; 82 Stat. 729), is amended by inserting at the end thereof the following new section:

"SEC. 8. (a) When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President. Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the bringing or the importation into the United States of fish products of the offending country for such duration as he determines appropriate and to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

"(b) Within sixty days following certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him pursuant to such certification. In the event the President fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if such prohibition does not cover all fish products of the offending country, the President shall inform the Congress of the reasons therefore.

"(c) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

"(d)(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

"(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

"(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

"(e)(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

"(2) The judges of the United States district courts, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and regulations issued thereunder.

"(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

"(4) Such person so authorized shall have the power—

"(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

"(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this section or the regulations issued thereunder, then to arrest such person.

"(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary of the Treasury after consultation with the Secretary of Health, Education, and Welfare.

"(f) The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

"(g) As used in this section—

"(1) The term 'person' means any individual, partnership, corporation, or association.

"(2) The term 'United States', when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands.

"(3) The term 'international fishery conservation program' means any ban, restriction, regulation, or other measure in force pursuant to a multilateral agreement to which the United States is a signatory party, the purpose of which is to conserve or protect the living resources of the sea.

"(4) The term 'fish products' means fish and marine mammals and all products thereof taken by fishing vessels of an offending country whether or not packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3304, as reported by the Committee on Merchant Marine and Fisheries, is to authorize the President of the United States to prohibit the importation into this country of fishery products from nations that do not conduct their fishing operations in a manner that is consistent with international fishery conservation programs.

Mr. Speaker, H.R. 3304, as introduced was designed to protect Atlantic salmon of North American origin. Although the

reported bill would cover all species of fish, I think it appropriate at this time to briefly describe to the Members of this distinguished body the unique nature of the Atlantic salmon.

Atlantic salmon, as well as the Pacific coast salmon, are classified as anadromous fish. Anadromous fish begin their lives in fresh water, where they live for varying periods, and then migrate to salt water—or to the high seas—where they usually spend most of their adult lives and finally return to fresh water, usually to the stream of their birth, where they spawn and die having completed their life cycle.

The International Convention for the Northwest Atlantic Fisheries, better known as ICNAF, entered into force in 1950. It is composed of 15 nations bordering the North Atlantic Ocean. It has as its purpose the protection and conservation of fishery resources of the Northwest Atlantic in order to maintain the stocks of fish at a level permitting the maximum sustained catch.

Because of the growing threat to Atlantic salmon, in 1969 the ICNAF Commission adopted a ban on high seas fishing of this species. Although the ban was accepted by most member nations, the countries of Denmark, Germany and Norway objected to such a ban and continued to fish the species. The need for this legislation arises from the fact that immature Atlantic salmon are being taken on the high seas by these countries contrary to sound conservation practices, thereby nullifying all efforts to insure an adequate run to their native streams. It is during their adult lives when anadromous fish migrate to the high seas crossing territorial and international boundaries that requires the full cooperation of all nations involved if these species of fish are ever to be protected and preserved for the future use and enjoyment of all nations.

Mr. Speaker, it is the unanimous hope and belief of the members of the Merchant Marine and Fisheries Committee that H.R. 3304, as amended, will accomplish this purpose, not only with the Atlantic salmon but with other species of fish that may be covered by an international agreement to which the United States is signatory.

Briefly explained, H.R. 3304, which was reported with amendments, would amend the Fishermen's Protective Act of 1967 by adding a new section 8 to the act.

Section 8(a) of the act would provide that whenever the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations in a manner which diminishes the effectiveness of an international fishery conservation program under an agreement to which the United States is signatory, then the Secretary of Commerce would be required to certify this fact to the President of the United States. Upon receipt of such certification, the President, in turn, would be authorized—but not required to do so—to direct the Secretary of Treasury to prohibit the importation into the United States of any or all fish products of the offending country for such duration as he may deem appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade, better known as GATT.

Section 8(b) of the act would require the President, within 60 days following a certification by the Secretary of Commerce, to notify the Congress of any action taken by him pursuant to such certification. In the event the President failed to direct the Secretary of Treasury to prohibit the importation into this country of any or all of the fish products of the offending country, then the President would be required to explain to the Congress the reasons for his action or lack of action.

Section 8(c) of the act would make it unlawful for any person subject to the jurisdiction of the United States to knowingly bring or import into the United States any fish products prohibited by the Secretary of Treasury.

Section 8(d) would subject violators to a $10,000 fine for the first offense and a $25,000 fine for each subsequent offense. In addition, all fish products illegally imported into the United States would be subject to forfeiture or the monetary value thereof and, in general, all provisions of law relating to seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws would be applicable.

Section 8(e) of the Act would vest enforcement responsibilities in the Secretary of the Treasury and would authorize the judges of United States district courts and United States Commissioners to issue warrants or other processes as may be necessary to enforce this Act and any regulations that may be issued thereunder.

In addition, section 8(e) would provide persons authorized to carry out enforcement activities under this Act with authority to execute warrants or other processes, arrest violators, search vessels, and seize any fish products that may be in violation of the Act.

Section 8(f) of the Act would define terms used throughout the Act such as "person", "United States", "international fishery conservation program", and "fish products."

Mr. Speaker, as introduced, H.R. 3304, had the support of all witnesses testifying at the hearing and all Government Agencies reporting on the bill, except for the Department of State. However, as reported by the Committee on Merchant Marine and Fisheries, H.R. 3304 differs substantially from the bill as introduced. It has been changed to meet the objections of the Department of State and as reported, it incorporates all the amendments suggested by all Government Agencies reporting on the legislation.

Mr. Speaker, the Committee on Merchant Marine and Fisheries were unanimous in ordering H.R. 3304 reported and I urge its prompt enactment.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will this bill in any way help us in dealing with the growing menace of Russian poaching?

Mr. DINGELL. In answer to the question of the gentleman from Illinois, I would have to say probably not. The committee has under consideration some action with respect to the Russians fishing in the territorial and contiguous seas adjacent thereto. We probably will have legislation dealing with this matter at a latter date, but this bill does not deal with that question.

Mr. PUCINSKI I thank the gentleman.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 3304, as reported by the Committee on Merchant Marine and Fisheries.

This legislation will authorize the President to embargo the importation of fishery products from countries whose nationals conduct fishing operations in such a manner as to diminish the effectiveness of international fishery conservation programs.

Mr. Speaker, I was prompted to introduce this legislation because of the severe conservation crisis which has arisen with respect to Atlantic salmon. The Atlantic salmon is a highly prized sports fish. Like all species of anadromous fish, it spawns in fresh water streams, migrates to the sea where it grows to adult size, and then returns to the stream of its birth to reproduce and die, completing the life cycle. The Atlantic salmon spawns in the streams of New England, the maritime provinces of Canada, various countries of western Europe, and most notably in the streams of Scotland.

During the past 100 years, the spawning grounds of the Atlantic salmon have been greatly reduced by man-made obstacles such as dams, and as a result of pollution of fresh water rivers and streams. On the western side of the Atlantic, the United States and Canada have awakened to this crisis and are spending millions of dollars to abate pollution, restore our fresh water streams, and provide means for the fish to overcome man-made obstacles.

Fishing for salmon with rod and reel is perhaps the ultimate in the sport of fishing. Thousands of people earn a living in the more remote areas of New England and Canada, where the best remaining salmon streams are found, as guides and in various related occupations. Commercial fishermen take the Atlantic salmon close in to the shore as they enter fresh water while permitting sufficient numbers to migrate to the spawning grounds. Fishing on the high seas for Atlantic salmon is of relatively recent origin. It results on the taking of immature salmon and effectively nullifies all efforts to insure that an adequate salmon run will be maintained in each stream. Salmon from Europe, Canada and the United States are hopelessly intermingled in the high seas, and their origins can only be determined by microscopic examination of their scales after being taken on board ship.

Until a decade ago, the Atlantic salmon was effectively protected from commercial exploitation by man while in the high seas. Its ocean migrations were unknown, and fishing was limited to inshore waters as the fish congregate for their annual up-stream migration.

In the early 1960's, however, the mys-

tery of the Atlantic salmon was unraveled by Danish fishermen, who discovered that great schools of salmon concentrate between Labrador and Greenland during winter months. During the past 5 years, the commercial high seas catch of Atlantic salmon has risen from a mere 36 tons to over 1,000 tons.

The International Northwest Atlantic Fisheries Commission composed of the 15 principal nations engaged in commercial fishing in these waters has recognized the threat to the survival of Atlantic salmon presented by the Danish fishing effort and has adopted a ban on the high seas taking of this specie. Unfortunately, under the terms of the governing convention, individual nations are permitted to exempt themselves from the decisions of the commission. Thus, Denmark and two other countries—the Federal Republic of Germany and Norway—have refused to abide by the commission's decision. Because of this, the commission then adopted a freeze on the catch of Atlantic salmon establishing a quota of 1,200 tons or approximately the amount caught in 1969. While continuing to ignore the ban, Denmark, Germany, and Norway have agreed to the quota. The quota, of course, solves nothing. It is an interim measure which permitted continued fishing at an already dangerously high level. In time, the Atlantic salmon will disappear, and the quota merely postpones the inevitable.

The saga of the Atlantic salmon unfortunately is being repeated around the world with respect to many other creatures that inhabit the seas, most notably the whale. Commercial pressure has virtually wiped out the largest and most awesome species of whale. The International Whaling Convention, far from being a conservation measure, has proven to be a cloak for over-exploitation on a grand scale. The whale, of course, is but one example of the seeming inability of man to intelligently conserve our natural resources which cannot replenish themselves if reduced below a certain level.

While this legislation was initially prompted by the Atlantic salmon crisis, the whaling issue and the impending over-exploitation of other living marine resources prompted me to suggest to the committee that this legislation be expanded to give the President the authority to embargo fishery products in the case of flagrant violation of any international fishery conservation program to which the United States has committed itself. I am pleased that the committee has adopted this approach.

In addition to broadening the scope of this legislation, the committee has made other important changes which I feel will insure effective implementation. The most important procedural amendment adopted by your committee relates to the authority granted the President. As introduced, the imposition of an embargo would have followed automatically a certification by the Secretary of Commerce to the Secretary of the Treasury that nationals of a given foreign country were conducting fishing operations inimical to sound conservation. As reported by your committee, the legislation gives the President discretion to prohibit the importation of fish products of the offending country for such duration as he deems appropriate.

The legislation recognizes that the General Agreement on Tariffs and Trade imposes certain restraints upon our ability to embargo foreign products. To insure, however, that the President will not ignore this legislation, it provides that within 60 days following a certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him, and in the event the President fails to prohibit the importation of fish products of the offending country or if the prohibition does not cover all fish products of the offending country, the President must inform the Congress of the reasons for his action. This is not intended to tie the President's hands but merely to insure that the President has developed substantial reasons for not fully utilizing the authority granted him and that Congress is fully informed.

In addition to amending the legislation to give the President discretion, the committee has defined the term "fish products" to include marine mammals. As I have just indicated, whales are the most notable example of an overexploited living marine resource. There is other legislation now pending before your Committee on Merchant Marine and Fisheries, the Marine Mammal Protection Act, which considers this problem in great detail. The expansion of H.R. 3304 to encompass marine mammals is a logical corollary to the pending Marine Mammal Protection Act.

In conclusion, Mr. Speaker, I would like to reiterate several points covered in the committee report on H.R. 3304. The effectiveness of this legislation will depend upon the spirit and dedication to sound conservation of the agencies and individuals responsible for its enforcement. While we have, I believe properly, amended the bill to give the President discretionary authority as opposed to an automatic embargo, I do not expect that this discretion will become an excuse for inaction on the part of the Secretary of Commerce or the President. We are dealing with an aspect of foreign relations, and it is unwise to tie the hands of the Executive, but the enactment of this legislation represents a clear directive from the Congress to the President that the United States will not permit foreign countries which flount international conservation measures to profit through continued access to the American marketplace.

Secondly, Mr. Speaker, the effective implementation of this legislation will depend upon further interpretation of the General Agreement on Tariffs and Trade. The committee has pointed out in its report that it is of the opinion that the GATT treaty authorizes the United States to embargo all fishery products of a country which fails to abide by an international fishery conservation program, even though that program may relate to one specie of fish or marine mammal only. To conclude otherwise would render this legislation meaningless.

For example, as the committee report points out, Danish exports of Atlantic salmon to the United States in 1970 were valued at 63,000 and some odd dollars, whereas all Danish fish exports totaled over $10,000,000 in value. While it is unlikely that the loss of a $63,000 market in Atlantic salmon would have a substantial impact upon the Danish position with respect to the high seas taking of Atlantic salmon, the potential loss of a $10,000,000 market may well have such an impact.

Mr. Speaker, this legislation is supported by a wide range of conservation groups and has broad bipartisan support in the Congress. Correspondence received by the committee from the Departments of Commerce and State reprinted in the committee report indicate their support for the approach taken by the committee in the reported bill. The bill was reported unanimously by the Committee on Merchant Marine and Fisheries, and I urge its passage.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 3304, a bill to amend the Fisherman's Protection Act to conserve and protect Atlantic salmon of North American origin.

In this, the beginning of the decade of environmental concern, we should all be aware of the necessity for strong legislation to protect and conserve fish species which originate in the territorial waters of the United States but spend their adult life at sea. Under present law the United States has agreed to claim a 12-mile coastal fishing zone, while fish caught outside this area may be taken by any nation. The United States is party to an international agreement to ban the overfishing on the high seas of Atlantic salmon.

Danish fishermen, however, have discovered that Atlantic salmon spawned in U.S. streams congregate off Greenland, a Danish possession. Their overfishing in this area has threatened the extinction of this natural resource which Americans spend millions of dollars each year to conserve.

This bill before us would help correct this state of affairs by banning fish imports into the United States from nations which endanger American stocks of fish by overfishing. The bill calls on the Secretary of Commerce to inform the Secretary of the Treasury when American stocks of fish are endangered by overfishing by foreign fishermen. The Secretary of the Treasury is then authorized to ban fish products of the violating nations from being imported into the United States.

This is a harsh approach to solving both a conservation and economic problem. Nonetheless, being cut off from U.S. markets may be the only method of forcing other nations into negotiating conservation treaties to protect the Atlantic salmon for the long-range benefit of all concerned.

I respectfully urge my colleagues to vote for this important conservation measure.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 3304, and commend my

distinguished colleague from the State of Washington both for his description of the measure and his explanation of the pressing need for its passage.

Rather than repeat the points already made, I would like to remind my colleagues that another compelling reason for supporting this bill is the tremendous fishing activity that is going on just off our shores by foreign fishing fleets. For example, such intensive fishing as that by the Russians right outside the Chesapeake Bay inevitably can be expected to deplete the ocean resources that America needs and relys on. H.R. 3304 will give us the necessary backup muscle—if and when needed—to help protect species of sea life.

We sometimes tend to forget that it is not only those who live by fishing that sustain loss when a species which was once in abundance becomes scarce or unavailable. Those who live inland, and through choice or need include seafood in their diet, pay increasingly higher prices for scarce species until, quite literally, some excellent high protein products such as salmon have priced themselves out of the market for lower income groups.

H.R. 3304, in my opinion, is an important conservation measure whose time has come, and deserves the support of this body.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 3304.

There is an urgent need to protect stocks of Atlantic salmon from wasteful high seas fishery. It seems that some countries which depend upon the sale of fish products to bolster their economy would cooperate in a program for the conservation and wide use of such valuable resources as Atlantic salmon. However, some countries are not willing to cooperate.

We had just reached the point where programs for the management and enhancement of Atlantic salmon had begun to produce substantial benefits when the high seas salmon fishery problem threatened to remove any incentive or justification for such a rewarding effort. Historically the problems of salmon management were dams, pollution, and spawning success. We now can successfully pass salmon over dams which blocked their migration; we now have cleaned up the pollution in sevcral potentially good salmon streams and we can produce, in hatcheries, the young salmon needed to replenish our streams. Yet unless there is some assurance that reasonable numbers of mature salmon are permitted to return to their home stream, the programs designed to enhance the world populations of Atlantic salmon are doomed to failure and the Atlantic salmon may be doomed as a living species.

It is economically wasteful to invest in the necessary gear and supplies required to harvest salmon on the high seas when these same fish will return to shore in greater poundage and prime condition. It is wasteful because as the gill nets fill with struggling fish and rock in the ocean current, many dead or dying salmon work free of the mesh and are forever lost for either food or sport. Harvest of Atlantic salmon at the mouth of, or within the rivers is more equitable, more practical and really a basis for sound management of the resource. Until, if ever, these species can successfully be propagated wholly within the ocean, they are dependent on rivers and streams for completion of their life cycle. It takes tens of years to develop a race or strain of Atlantic salmon that is best suited for a particular river or stream. Yet, in a matter of weeks, commercial fishing on the high seas can totally eliminate a run from an important river. We just cannot be sure that the fish harvested are from intermingled stocks or that they are not from salmon runs requiring special protection.

H.R. 3304, which I have introduced, is a bill to amend the act of August 27, 1954, commonly known as the Fisherman's Protective Act. This bill has been amended by the Merchant Marine Committee so that fishery products of countries whose fishing fleets conduct operations which lessen the effectiveness of an international fishery conservation program may be embargoed. H.R. 3304 now covers marine mammals as well as fish—this will be of great help in saving the world whale population. The passage of this legislation would be a vital step in solving the Atlantic salmon problem.

I might add that this bill has been further amended to allow the President to impose the embargo for specific numbers of products, as he feels is needed. The President must inform Congress of his action, and if he decides not to impose an embargo, he must advise Congress of his reasons for making such a decision.

The proposed legislation, H.R. 3304, may seem drastice or harsh; it is neither. The rationale behind it is clear to all but a very few. Sure I enjoy drifting a fly over my favorite salmon pool but this is not a pitch to favor sport fishing over commercial fishing. It is a plea to take needed action now so that we may in the future provide society with an exceptionally valuable natural resource.

I urge my colleagues to support this legislation.

Mrs. HICKS of Massachusetts. Mr. Speaker, on behalf of all the fishermen in our country and, particularly, those on the Atlantic coast, I would like to register my support of the Fishermen's Protective Act, which is being considered in the House today.

Our fishermen are constantly under attack by foreign fishermen who exercise little or no conservation restraint in taking fish.

In recent years, extensive fishing by foreign vessels in U.S. coastal waters has caused serious depletion in fish stocks. In addition, the intense competition for fish has produced obstructive tactics to which our fishermen have been subjected, causing substantial financial loss in gear, labor, and catch.

Legislation should be enacted which will insure the conservation of fisheries resources off our coasts, and protect the economic interests of American fishermen.

Mr. KEITH. Mr. Speaker, in the past decade the fishermen of our country and especially those of New England have seen their livelihood literally swept from the seas. Vast fleets of foreign trawlers, mostly Russian, have used mid-water trawl techniques to vacuum specie after specie from areas such as the Grand Banks and Georges Banks.

The restrictions and quotas imposed by the various international commissions and agreements have been inadequate because they are, generally, not agreed upon until after it has been documented that a specie has been overfished. And therefore many of our most valuable fisheries are inadequate to meet the demand. Haddock, for example, is fast disappearing from the New England waters and from the Nation's markets. The controlled and balanced use of the ocean's resources is essential if man is to maintain a maximum sustainable yield from the sea. We have no guarantee that once upset, the ocean's ecological systems can regain their balance and health.

Therefore, Mr. Speaker, I am most anxious that we amend today the Fishermen's Protective Act. I do so as a cosponsor and as an alarmed citizen. I trust that my colleagues will realize its long-range potential to all Americans and to people everywhere.

What this bill does, Mr. Speaker, is to permit the President, under certification from the Secretary of Commerce, to prohibit the importation of fish products of any foreign country that is conducting fishing operations in a manner which diminishes the effectiveness of international conservation programs.

The President has full discretion in exercising this authority. However, he must advise the Congress of his actions, or explain his inaction if such be the case, within 60 days after the Secretary of Commerce has advised him of any foreign fishing transgressions.

The authority set forth in this legislation will prove invaluable in our Nation's attempts to stop the exploitation of the fisheries resources off our coasts. At last, in this bill we hopefully will have the means to effectively enforce international fishery conservation programs.

Mr. Speaker, with enactment of this measure, America's fishermen, such as those from the New Bedford area, will, at last, know that there is some way to punish those who fail to live up to the conservation compacts into which we have entered. The high promises of international conferences, which many of our fisherman have attended, can now hopefully serve our fisheries and those who rely on them.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to take this opportunity to express my full and strong support for H.R. 3304 which will improve protect and enhance marine and fishery resource conservation programs.

As a coauthor of the original legislation, I am gratified that the Merchant Marine and Fisheries Committee has broadened the scope of the bill to include all species which are protected, or supposed to be protected, under international fishery conservation agreements.

Anadromous fish are an important and valuable resource and we must take every feasible step to insure that they

are not brought to the brink of extinction by fishermen using calculated plundering for short-term economic gain.

The North Atlantic salmon is the prime example of a species being ravished thoughtlessly and without regard for appropriate conservation measures. The annual harvest must be controlled so as to insure the continued viability of this great fish. Our approval of H.R. 3304 is the most realistic and effective means to achieve this goal.

Our own domestic conservation programs for the salmon will be valueless if foreign fishermen and others continue to deplete this resource on the high seas before the fish reach maturity. I have been a staunch advocate and supporter of marine and fishery resource conservation programs. The legislation under consideration is another important step toward the ultimate goal I seek—a realistic fish conservation area zone contiguous to our coastal areas and resource management programs that will assure a sustained yield on a perpetual reproduction basis for the resources of the sea.

Mr. HOGAN. Mr. Speaker, being a Marylander, I appreciate the importance of the fishing industry. The living resources of the Chesapeake Bay and the broad Atlantic are important economically and recreationally to my State of Maryland and for these reasons I joined in cosponsoring of H.R. 3305—a bill whose purpose is to protect the existence of the Atlantic salmon. This legislation is similar in scope to that which we are considering today, H.R. 3304, reported by the Committee on Merchant Marine and Fisheries.

The Atlantic salmon has been an important sport and commercial fish for many years. Although threatened by pollution of the stream in which it breeds, it has survived and, as we make progress in cleaning our northeastern rivers, the Atlantic salmon has begun to appear again in those rivers.

A serious situation has developed in recent years however, stemming from the commercial taking of these fish in the open seas. In the Davis Strait between Canada and Greenland there has developed an extensive fishery which nets immature salmon born in North American rivers.

Fourteen nations which fish the North Atlantic have voted to ban fishing for salmon in the North Atlantic through their membership in the International Convention for the Northwest Atlantic Fisheries. Several other nations, notably Denmark, have not. Lacking a means to enforce the will of the majority, opensea fishing for salmon continues. I cite this example of the salmon problem to document the need for sanctions against this type of activity.

As originally introduced, H.R. 3305 would have imposed a degree of unanimity of action with regard to the conservation of the fisheries by requiring the Secretary of Commerce to prohibit the importation of any fish products of an offending country. During the hearings on this legislation, it became apparent that this legislation could serve the broader purpose of covering those innumerable international agreements governing the conservation of various stocks of fish and marine mammals in the Atlantic and Pacific Oceans. Adherence to these agreements on the part of major fishing nations of the world is not uniform partly because some nations are reluctant to participate in reasonable conservation programs designed to insure the continued abundance of the particular species.

For these reasons, the Merchant Marine and Fisheries Committee has amended the reported bill, H.R. 3304, so that fishery products of countries whose nationals conduct fishing operations under circumstances which diminish the effectiveness of an international fishery conservation program may be embargoed.

At the request of the Department of State and other administrative agencies, this bill has been amended to enable the President to impose the embargo at his discretion and to limit the embargo to specific fishery products or impose an embargo generally. Counterbalancing this Presidential discretion is a requirement that the President notify the Congress of his action and if he chooses not to impose the embargo, Congress is to be advised of the reasons therefor.

Because this legislation includes marine mammals as well as fish, it may be of some importance in our continuing efforts to prevent the extinction of the world's whale population.

It is worth adding, I believe, that other nations are experiencing a swell of public sentiment in favor of such restrictions of trade with an offending nation. Hopefully, the enactment of legislation such as we are considering here today will exact prompt compliance with sound conservation practices on the part of offending nations.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 3304, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 3304.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VETERANS MEDICAL CARE ACT OF 1971

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10880) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

The Clerk read as follows:

H.R. 10880

A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Medical Care Act of 1971".

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from diabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans of any war; or (iii) hospital care for veterans of any war in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978."

(b) Section 610 of such title is amended by adding at the end thereof the following new subsection:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care to the following individuals to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a person who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a person who has died as the result of a service-connected disability."

SEC. 102. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services on an outpatient or ambulatory basis to any person eligible for hospital care under section 610 of this title under the following circumstances:

"(1) Where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission.

"(2) Where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care.

"(3) Where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability."

SEC. 103. So much of subsection (a) of section 620 of title 38, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(i) any veteran who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(ii) any person who has been furnished care in any hospital of any of the Armed Forces and who upon discharge therefrom will become a veteran,

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, if the Administrator determines that—".

SEC. 104. Section 626 of title 38, United States Code, is amended by adding after the word "fire" the words "or natural disaster".

SEC. 105. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"The Administrator may, under such limitations as he may prescribe, reimburse beneficiaries entitled to hospital care or medical services under laws administered by the Veterans' Administration the reasonable value of such care or services from sources other than the Veterans' Administration (including the necessary travel incidental thereto) where—

"(1) rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise or practical, or treatment had been, or would have been refused; and

"(3) rendered to a veteran in need thereof, for an adjudicated service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability (or to a veteran found in need of vocational rehabilitation under chapter 31 of this title, for whom an objective had been selected, or who is pursuing a course of vocational rehabilitation training, and who is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training when interrupted because of illness, injury, or a dental condition)."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting immediately after

"627. Persons eligible under prior law."

the following

"628. Reimbursement of certain medical expenses."

TITLE II—IMPROVEMENTS IN THE OPERATION AND PERSONNEL PRACTICES OF THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101(b) of title 38, United States Code, is amended to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health service personnel to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of training and education of such health service personnel, acting in cooperation with schools of medicine, dentistry, osteopathy, and nursing; other institutions of higher learning; medical centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Two Assistant Chief Medical Directors shall be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Chief Optometrist, each appointed by the Administrator."

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"SECTION 4103 SCHEDULE

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $37,624.

"Medical Director, $32,546 minimum to $36,886 maximum.

"Director of Nursing Service, $32,546 minimum to $36,886 maximum.

"Director of Chaplain Service, $28,129 minimum to $35,633 maximum.

"Director of Pharmacy Service, $28,129 minimum to $35,633 maximum.

"Director of Dietetic Service, $28,129 minimum to $35,633 maximum.

"Chief Optometrist, $26,547 minimum to $33,627 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $28,129 minimum to $35,633 maximum.

"Executive grade, $26,143 minimum to $33,982 maximum.

"Chief grade, $24,251 minimum to $31,523 maximum.

"Senior grade, $20,815 minimum to $27,061 maximum.

"Intermediate grade, $17,761 minimum to $23,089 maximum.

"Full grade, $15,040 minimum to $19,549 maximum.

"Associate grade, $12,615 minimum to $16,404 maximum.

"NURSE SCHEDULE

"Director grade, $24,251 minimum to $31,523 maximum.

"Assistant Director grade, $20,815 minimum to $27,061 maximum.

"Chief grade, $17,761 minimum to $23,089 maximum.

"Senior grade, $15,040 minimum to $19,549 maximum.

"Intermediate grade, $12,615 minimum to $16,404 maximum.

"Full grade, $10,470 minimum to $13,611 maximum.

"Associate grade, $9,026 minimum to $11,735 maximum.

"Junior grade, $7,727 minimum to $10,049 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof a new subsection (d) as follows:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.".

SEC. 204. Section 4107 of title 38, United States Code, is further amended by adding the following new subsection (e):

"(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2), (3), (4), and (5) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 10 per centum of the employee's basic hourly rate, provided that four hours or more of that tour fall between 6 postmeridian and 6 antemeridian. When fewer than four hours fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, and which part is not overtime work, shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 25 per centum of the employee's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order, shall receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work which is not overtime work.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rate shall be one and one-half times the employee's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing the annual rate of basic compensation by two thousand and eighty.

"(7) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 205. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, ex-

cept that no physician, dentist, or nurse employed on a full-time basis may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, performs professional services to assist communities or medical practice groups, to meet medical needs which would not otherwise be available, for a period of service not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for a second period not to exceed one hundred and eighty calendar days;

"(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his duties within the Department;

"(3) accept payment under any insurance or assistance program established under subchapter XVIII or XIX of title 42 for professional services rendered by him;

"(4) accept from any source, with respect to any travel performed by him, any payment or per diem which would be in addition or supplementary to the allowances authorized under this chapter or title 5 for such travel;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims or for his dues or similar fees for membership in medical or dental societies or related professional associations; and

"(6) perform professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or his personal benefit, or both and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall report on a quarterly basis to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and

"(B) no physician, dentist or nurse may receive any cash from such fund or account on or after the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institution' means any medical school or other institution with which the Administrator has a contract or agreement for the training or education of health service personnel."

(b) The table of sections of the beginning of chapter 73 of such title is amended by striking out

"4108. Personnel administration."

and inserting in lieu thereof

"4108. Personnel administration."

SEC. 206. Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

SEC. 207. Section 4114 of title 38, United States Code, is amended by striking out the words "ninety days" in the last sentence of paragraph (3) (A) of subsection (a) and inserting in lieu thereof "one year".

SEC. 208. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to which the immunity provisions of this section apply (as described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political subdivision thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 209. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts to provide scarce medical specialist services at Veterans' Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services (including, but not limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. Chapter 81 of title 38, United States Code, is amended by inserting at the end of the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 5 of title 41. Notwithstanding section 303b of title 40 or other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of intention in the press of the community in which the lands or buildings to be leased are located.".

SEC. 302. Chapter 81 of title 38, United States Code, is amended by striking out in the first sentence of subsection (a) of section 5053 immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics".

SEC. 303. (a) Chapter 81 of title 38, United States Code, is amended by striking out section 5056 thereof and inserting in lieu thereof the following:

"§ 5056. Coordinating with and participating in programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965

"The Administrator, to the extent feasible without interfering with the medical care and treatment of veterans, is authorized to participate in programs under title IX of the Public Health Service Act, and the Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this subchapter and programs carried out under such title IX of the Public Health Service Act. Nothing in this section shall be construed to authorize the furnishing of care in any Veterans' Administration facility to any individual not eligible for such care under other provisions of this title."

(b) The table of sections at the beginning of such chapter 81 is amended by striking out

"5056. Coordination with programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

and inserting in lieu thereof

"5056. Coordinating with and participating ing in programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SEC. 401. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the words "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by deleting

"234. Telephone service for medical officers."

and inserting in lieu thereof:

"234. Telephone service for medical officers and facility directors."

(c) The catchline at the beginning of section 234 of title 38, United States Code, is amended by inserting immediately after the word "officers" the words "and facility directors."

TITLE V—APPLICABILITY OF ECONOMIC STABILIZATION ACT OF 1970

SEC. 501. To the extent deemed applicable by the President or his designee, sections 203 and 204 of this Act shall be subject to the provisions of the Economic Stabilization Act of 1970 (84 Stat. 799) as implemented by Executive Order 11615, dated August 15, 1971.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the bill, H.R. 10880.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker,

I yield myself such time as I may consume.

Mr. Speaker, H.R. 10880 is an important bill and is the result of a substantial effort on the part of the Subcommittee on Hospitals. Hon. DAVID E. SATTERFIELD III is chairman of that subcommittee. Hon. JOHN P. SAYLOR is ranking minority member on that subcommittee: The members of the subcommittee are as follows: Hon. JAMES A. HALEY, Hon. WALTER S. BARING, Hon. THADDEUS J. DULSKI, Hon. RAY ROBERTS, Hon. W. J. BRYAN DORN, Hon. ROMAN C. PUCINSKI, Hon. G. V. MONTGOMERY, Hon. DON EDWARDS, Hon. CHARLES J. CARNEY, Hon. GEORGE E. DANIELSON, Hon. LOUISE DAY HICKS, Hon. ELLA T. GRASSO, Hon. LESTER L. WOLFF, Hon. JOHN PAUL HAMMERSCHMIDT, Hon. WILLIAM LLOYD SCOTT, Hon. MARGARET M. HECKLER, Hon. JOHN M. ZWACH, Hon.CHALMERS P. WYLIE, Hon. LARRY WINN, JR., Hon. EARL B. RUTH, and the Hon. ELWOOD HILLIS.

The subcommittee held extensive hearings on this legislation and a general review of problems confronting the department of medicine and surgery of the Veterans' Administration, and spent a good deal of time in perfecting and improving this bill. It has many far-reaching implications which we believe will have a favorable effect on the department of medicine and surgery and its ability to provide first-class care for veterans and dependents. The gentleman from Virginia (Mr. SATTERFIELD) will explain in detail the provisions in the bill, but I do wish to comment on several features of the bill.

I have had a strong personal interest in the welfare of the widows and children of men who lost their lives from service-connected causes and the families of 100 percent permanently and totally disabled service-connected veterans.

Over the years, Congress has substantially improved benefits for these women and children. About 12 years ago the Survivor Benefit Act was passed which increased the compensation for women and children. Congress has passed the war orphans scholarship program which has provided the basis for education for several hundred thousand children of deceased veterans and 100-percent disabled veterans. We extended education and training benefits to widows and wives of 100-percent service-connected disabled veterans, and more recently we have extended these education benefits to wives and children of POW's and men missing in action. This bill extends hospital and medical benefits to wives and children. of service-connected dead and 100-percent disabled veterans. These benefits are to be made available subject to the availability of facilities in the Veterans' Administration.

We have taken this step because of certain serious inequities which exist. The wives and children of retired career military personnel may receive medical care on a bed-available basis in military hospitals, or under the CHAMPUS program. Changes made in the law in 1949 have had the effect of rendering eligible for medical care in military hospitals, and under CHAMPUS, those wives and children of service-connected dead and those retired for medical disability since 1949. The problem arises because prior to 1949 there were very substantial numbers of citizen soldiers who did not qualify under laws at that time as career military personnel, but nevertheless lost their lives or received very serious injuries as a result of their service. In other words, we have a large group, numbering probably about 200,000, of widows and children whose husbands and fathers served principally in World War I and World War II who are not covered by the medical programs now in existence for retired personnel and families or the survivors of career personnel.

This bill will rectify this injustice and extend medical benefits to surviving women and children of service-connected dead and the families of totally and permanently disabled veterans. I think this is a matter of simple justice. I know of no class of beneficiaries that deserves a higher priority of consideration.

One other provision of the bill which is most important which I would like to mention relates to ambulatory or outpatient care. For many years the Veterans' Administration was prohibited from giving outpatient care except in the case of service-connected veterans. This meant that any non-service-connected veteran that was to receive care in a VA hospital must be hospitalized or receive no care at all. This practice resulted in many patients being hospitalized who needed care but did not need to occupy a bed, and it also resulted in an excessive length of stay in many cases. The Veterans' Administration was constantly being criticized because it was keeping patients longer for typical illnesses than was the case in other types of hospitals. This resulted predominantly from the fact that VA could not deal with the non-service-connected patient on an outpatient basis for workup purposes prior to admission.

Several years ago we changed the law and created the so-called pre- and post-hospital-care outpatient program. This meant that the VA could deal with hospital cases for preadmission workup and postdischarge checks on an outpatient basis in the same manner followed by most other hospitals and medical facilities. This program had a remarkable impact on the Veterans' Administration hospital and medical system, and greatly increased the turnover of patients, shortened the hospital stay and allowed the Veterans' Administration to take care of substantially more patients for the same amount of money.

This bill makes a further move in the direction of liberalizing outpatient programs for non-service-connected veterans. It says, in effect, that the Veterans' Administration may furnish outpatient care to an eligible person where such care is reasonably necessary to obviate the need for hospital admission. This change will have an important impact on the medical program. It will require some adjustments and expansions in outpatient facilities, but most important of all, it will permit the doctors of the VA to deal with a patient based on the patient's specific medical needs rather than following an arbitrary rule which results in hospital admissions in some cases where admission is not needed. I fully expect this provision, when in full operation, to further increase the efficiency of the Veterans' Administration and permit the department of medicine and surgery to further expand its ability to care for more patients at a lower average cost.

Dr. Musser, Chief Medical Director, has indicated his great desire for this provision on the basis that it will permit him to practice sound medicine and deal more specifically with the needs of the patient, without regard to arbitrary rules, and we have confidence that Dr. Musser will make efficient use of this provision.

There are several provisions of this bill which expand the role of the Veterans' Administration hospital and medical program in education and will permit it more latitude in working cooperatively with local medical institutions. The ability of the Veterans' Administration to deliver quality care is dependent largely on its affiliation with the medical schools of the Nation, and its ability to cooperate with other medical institutions. We recognize, of course, that the primary role of the VA hospital system is the care of veteran patients, but we are also conscious that the Nation's greatest medical system can make a large contribution to American medicine and the general welfare of the American public, and we are supporting the Veterans' Administration in every way possible so that it can continue and expand its vast educational programs which are creating large numbers of trained medical manpower so badly needed by the American public.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. Mr. Speaker, H.R. 10880 is an omnibus bill entitled the "Veterans' Medical Care Act of 1971" and is another important bill stemming from a series of hearings held by our subcommittee on hospitals in both the 91st and 92d Congresses. A number of the provisions represent specific recommendations of the Veterans' Administration and have the approval of the executive branch. In fact, of the 17 separate provisions now contained in this measure 12 of them have the specific endorsement of the Veterans' Administration and two additional provisions appear to be without objection to the agency.

The major provisions of the bill, if enacted, would accomplish the following:

First, permit the furnishing of pre- and post-hospital medical services on an outpatient or ambulatory basis to any person eligible for hospital care under section 610 of title 38, or where such care is reasonably necessary to obviate the need for hospital admission. These services include, in addition to medical examination and treatment, optometrists' services, dental and surgical services, as are now available in the case of non-service-connected disabilities, for treatment after the veteran has been scheduled for admission for hospital treatment or, following hospitalizatio

in connection with treatment he received while hospitalized.

Second, provide pay differentials for nurses performing duty between the hours of 6 p.m. and 6 a.m.; from midnight Saturday to midnight Sunday; or on Federal holidays. Provide overtime pay for hours of service in excess of 40 hours during nurses' administrative workweek, or in excess of 8 hours a day.

Third, provide for furnishing of hospital and medical care, to the extent that it does not interfere with care for eligible veterans, to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a person who has died as the result of a service-connected disability.

The other provisions of the bill are generally administrative or operational in character and are designed to make improvements in the department of medicine and surgery, extend greater flexibility to the administrator in carrying out its responsibilities in the veterans' medical care program, and to clarify and extend certain administrative authority now set forth in title 38 of the United States Code.

The major objectives of the bill which I previously discussed briefly are believed by the committee to be highly desirable and essential to the needs and greater utilization of the facilities of the department of medicine and surgery, the broadening of the authority to extend outpatient or ambulatory care will enable the Veterans' Administration to render such care in many cases which under present law would require initial hospitalization of the non-service-connected wartime veteran concerned. With this expanded authority the need for hospital admission will be obviated, thus making beds available to other veterans where hospitalization is clearly required.

The bill would extend for the first time hospital and medical care entitlement to certain wives, widows, and children of veterans who are either totally and permanently disabled from service-connected causes or who have died as a result of a service-connected disability. The committee believes that the extension of this benefit to a very select and worthy group of dependents of seriously disabled or deceased veterans is reasonable and justified. Such dependents have previously been extended, under certain conditions, compensation, education, and loan guarantee benefits from the Veterans' Administration and we believe this added compassionate benefit is a logical extension of the foregoing. This new provision is aimed particularly at those unfortunate dependents who do not come within the purview of the civilian health and medical program of the uniformed services—CHAMPUS—or other existing medical care programs.

I should emphasize that the bill specifically provides that such care shall be provided only to the extent that it does not interfere with care for eligible veterans.

Finally, the bill authorizes for the first time reasonable weekend, holiday, and overtime pay for the thousands of dedicated nurses in the VA hospital system, without whose services there would be no medical program. The VA strongly endorses this provision and advises us that it is absolutely essential from the standpoint of successful recruitment and retention of such personnel. In this connection, the committee is fully cognizant of the current wage-freeze pursuant to the President's Executive order of August 15, 1971, and has therefore provided that the pay provisions of the bill shall to the extent deemed applicable by the President or his designee be subject to the provisions of the Economic Stabilization Act of 1970, as implemented by Executive Order 11615.

Mr. Speaker, in order to fully round out the record on this very important piece of veterans' legislation I ask unanimous consent to insert at this point a section-by-section analysis of H.R. 10880, including in each instance a notation as to those provisions recommended by the Veterans' Administration, and, where applicable, an estimate of the cost of the provision for the first fiscal year. The report of the committee contains cost estimates for each of the first 5 years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(The material referred to follows:)

SECTION-BY-SECTION ANALYSIS AND ESTIMATE OF COST: "VETERANS MEDICAL CARE ACT OF 1971"

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

Section 101(a)

This section would amend subparagraph (C) of section 601(4), title 38, to reflect in the definition of "Veterans' Administration facilities" the long-standing statutory construction of the term to include private facilities for which the Administrator contracts to provide outpatient care for service-connected disabilities. The amendment will not create a new benefit nor expand the outpatient care program nor would there be any additional cost. Recommended by the Veterans' Administration.

Section 101(b)

This section would provide for the furnishing of hospital care, to the extent that it does not interfere with care for eligible veterans, to the wife or child of a totally and permanently disabled service-connected veteran and to surviving widows and children of veterans who died as a result of a service-connected disability.

The first year's cost is estimated to be $16.9 million.

Section 102

This section would amend subsection (f) of section 612 of title 38, to authorize the Administrator to furnish medical services for a non-service-connected disability where (1) such care is reasonably necessary in preparation for hospital admission or obviate the need for hospital admission; (2) a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment; or (3) any veteran of any war who has a total disability permanent in nature from a service-connected disability.

Section 612(f)(1) as added by Public Law 86-639, authorizes outpatient treatment for a non-service-connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission.

The objectives of that legislation were reduction in the length of patient stay in the hospital, decrease in the cost per patient treated, and a partial check on the development of longer waiting lists as the veteran population ages. While, generally, such benefits have been realized during the period the law has been in force, certain restrictive provisions in the current law serve as an impediment to fuller achievement of these worthwhile goals. Medical services furnished must be limited to those necessary to prepare the patient for hospital care for which he has actually been scheduled.

There is a sizable number of applicants whose need for hospitalization cannot definitely be determined after routine examination. This group frequently requires extensive workup and recalls for consultation to confirm or rule out requirement for hospitalization. Realistically, such procedures often go beyond the need to determine hospital care and constitute treatment.

The provisions in revised section 612(f)(1) will result in a more timely treatment of veterans on an outpatient basis whom the VA admitting physician has certified would otherwise require admission to a VA hospital. The estimate of additional cost the first year for veterans is $6.7 million and for wives, widows and children (in view of Section 101(b) above) would be $6 million the first year. The Veterans' Administration recommended this provision with respect to veterans only.

Section 103

This section would permit the furnishing of nursing home care in public or private nursing homes which have been approved by the Administrator for the care of veterans, persons who have been furnished care in any Armed Forces hospital, thus removing the requirement that these persons be first hospitalized in a Veterans Administration hospital before being provided with nursing home care.

This provision would involve no additional cost.

Section 104

This section would permit the reimbursement of veterans in Veterans Administration hospitals and domiciliaries for the loss of personal effects sustained by natural disaster while such effects were stored in those Veterans Administration facilities. Current law permits reimbursement only in the case of loss by fire.

The additional cost would be insignificant. There is no apparent objection by the Veterans Administration.

Section 105

This section would authorize/reimbursement of certain veterans under limited circumstances, for the reasonable value of hospital care or medical services, including necessary travel expense, when services are furnished from sources other than the Veterans Administration. Eligible veterans are those receiving treatment for a service-connected disability, or a non-service-connected disability associated with a service-connected disability (or veterans in need of vocational rehabilitation because of a service-connected disability whose training would be interrupted or delayed because of the illness). Services must be rendered in a medical emergency and Veterans Administration or other Federal facilities must not be feasibly available.

This provision would merely place in the statute the substance of long-standing administrative regulations on the subject and would involve no additional cost. There is no apparent objection by the Veterans Administration.

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE—DEPARTMENT OF MEDICINE AND SURGERY

Section 201

This section would amend section 4101 of title 38 by amending subsection (b) thereof to make it clear that the Administrator can

furnish training and education to health service personnel beyond the direct needs of the Department of Medicine and Surgery and thus assist in providing an adequate supply of such personnel to meet the needs of the Nation to the extent that this is feasible without interfering with the medical care and treatment of veterans.

Section 4101 of title 38 now specifically identifies education and training as a functional responsibility of the Department of Medicine and Surgery. The programs authorized, however, are limited to those which bear reasonable relationship to the basic mission of the Department; namely, the medical care and treatment of veterans. This authority, together with the provisions of section 5053 of title 38, has done much to support the education and training programs of the Veterans Administration and to permit greater participation with the medical community in a more effective utilization of specialized medical resources. Nevertheless, the limitation imposed on our education and training program does, in some measure, impede our ability to realize our full potential for carrying out programs to increase the availability of qualified health service personnel to meet the needs of the Nation.

The Veterans Administration is affiliated with a number of educational institutions, including 79 medical schools, 55 dental schools, 254 nursing schools, 73 social work schools, and 74 graduate departments of psychology. It is manifest that the extensive nature of the Veterans Administration's medical program, together with this broad basis of affiliation with educational institutions, presents an unusual opportunity to contribute to a program of training and education of health service personnel and thereby make a substantial contribution in alleviating the national shortage in these categories of employees.

The provisions of present law limiting the Veterans Administration education and training functions to those which bear reasonable relationship to the medical care and treatment of veterans render it impossible to make the maximum contribution to the Nation's objective to increase the medical manpower.

There would be no necessary additional cost as the result of the enactment of this amendment. The actual cost would be dependent upon the training possibilities which develop and the support given the activity by the Congress through appropriations. Recommended by the Veterans Administration.

Section 202

This section amends subsection 4103(a)(4) of title 38 to provide for the appointment by the Administrator, upon recommendation by the Chief Medical Director, of two additional Assistant Chief Medical Directors who are qualified in the Administration of health services and who shall not be doctors of medicine, dental surgery, or dental medicine.

Under the provisions of Public Law 293, 79th Congress, enacted January 3, 1946, there were authorized not to exceed eight Assistant Chief Medical Directors in the Department of Medicine and Surgery. This number was reduced to five by Public Law 87–793 but increased to six in 1966 by Public Law 89–785. Hence, the net effect of the proposed amendment would be to restore the number of Assistant Chief Medical Directors to eight as previously provided although, for the first time, providing that two of them shall not be physicians or dentists.

The expansion in the type of complex medical programs has concomitantly fostered an increased awareness of the necessity for sophisticated management techniques in implementing these programs. An organization as large and dispersed as the Department of Medicine and Surgery of the Veterans Administration, with an annual budget of almost $2 billion, requires a wide range of specialized disciplines. To this end, the Chief Medical Director should have the option available to him to appoint individuals basically trained in management disciplines, with or without qualifications as doctors of medicine or dentistry. These individuals would supplement the professional skills of the medical Assistant Chief Medical Directors and would provide the Chief Medical Director with the full range of expertise needed to efficiently administer the agency's far-flung medical activities.

The estimated first year's cost is $75,000.

This cost would be to some extent offset by savings in salary of classified personnel now performing related duties.

This section also amends section 4103(a)(7) in order to conform the titles "Chief Pharmacist" and "Chief Dietitian" to reflect new designations of Director of the Pharmacy Service and Director of the Dietetic Service to correspond to the other Director of Services titles, such as Chaplain and Nursing, and to provide for a new position of "Chief Optometrist".

Recommended by the Veterans Administration.

Section 203

This section would amend subsections (a) and (b) of section 4107 of title 38, in order to reflect the adjustment in rates of pay effected by Executive Order 11576, dated January 8, 1971, pursuant to authority vested by subchapter I of chapter 53 of title 5, as amended by the Federal Pay Comparability Act of 1970, and section 3(c) of that Act.

The per annum full-pay scale or ranges for positions in this amended schedule in excess of $36,000 are limited by section 5308 of title 5, as added by the Federal Pay Comparibility Act of 1970, to the rate for level V of the Executive Schedule (as of the date of the Executive Order $36,000).

Moreover, this section would amend the "section 4103 schedule" contained in section 4107(a) by providing that the salary range for the Director of Nursing Service would be changed from the equivalent of GS–15 to the equivalent of GS–17 and for the Director of Chaplain Service, the Director of Pharmacy Service, and the Director of Dietetic Service from the equivalent of GS–15 to the equivalent of GS–16. The VA in conjunction with the Civil Service Commission recently completed a study of these positions with a view to determine in particular the appropriateness of linkage in pay between the position of Director of Nursing Service and grade GS–15 under the General Schedule. It was the conclusion in this study that the position of Director of Nursing Service was clearly superior to GS–15 in level. The proposed adjustment in pay for the position indicated is essential for alignment purposes and recognition of their individual responsibilities. The titles of Chief Pharmacist and Chief Dietitian are changed to that of Director of Pharmacy Service and Director of Dietetic Service, respectively, in order to parallel the existing titles for Director of Nursing Service and Director of Chaplain Service. A new salary range is provided for the new position of "Chief Optometrist."

The joint study by the Veterans Administration and the Civil Service Commission also revealed that certain other nurse positions of those presently in the Assistant Director Grade, which equates in pay to grade GS–14 under the General Schedule, were superior to that grade relationship. Accordingly, the purpose of the new Director grade inserted in the "Nurse Schedule" by this amendment is necessary to recognize those positions. The pay range provided is equivalent to that of GS–15 under the General Schedule.

Subsection (b)(2) of section 4107 is amended to confine the prohibition against any person in the director grade serving in any other position than director of a hospital, domiciliary, center, or outpatient clinic (independent) to the "Physician and Dentist Schedule," in order to accomplish the purpose of the amendment creating a director grade in the "Nurse Schedule."

It is estimated that the additional cost of this provision the first year would be $80,000. Recommended by the Veterans Administration.

Section 204

This section would provide that a nurse performing (1) service on a tour of duty, of which four hours or more fall within the period commencing at 6:00 p.m. and ending at 6:00 a.m., would receive additional compensation for each hour of such tour, not exceeding eight hours, at a rate equivalent to 10 percent of the employee's basic hourly rate, and when fewer than four hours fall between 6:00 p.m. and 6 a.m., the nurse would receive an additional 10 percent for each hour of work performed between those hours; (2) nonovertime work on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, would receive additional compensation for each hour of service on such tour, not to exceed eight hours, at a rate equivalent to 25 percent of the employee's basic hourly rate; (3) service on a holiday designated by Federal statute or Executive order, would receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay for that holiday work which is not overtime work; and (4) officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, would be paid for each hour of such additional service at a rate of one and one-half times the employee's basic hourly rate; compensatory time off would not be permitted and such overtime work would have to be of at least 15 minutes duration in a day to be creditable for overtime pay; however, excess service performed on a day when service was not scheduled, or for which such nurse is required to return to her place of employment would be deemed to be a minimum of two hours in duration, regardless of whether or not work is performed for the full two hours.

This section also provides the formula for converting the per annum basic compensation rate into the hourly rate. Such hourly rate would be derived by dividing the annual rate of compensation by 2080, which represents the average number of working hours per year, and is the same formula used in computing the hourly overtime and night rate of pay for Civil Service employees under title 5 United States Code, where the basic rate of pay of the employee is fixed on an annual basis. Moreover, it provides that "the additional compensation" provided by this section would not be considered basic compensation for purposes of lump sum leave payments, severance pay, compensation for work injury, retirement, life insurance, or other benefits relating to basic compensation.

Under current law Veterans Administration nurses do not receive premium pay for those conditions of work which are generally regarded as more onerous to employees both within and without the Federal Government. A study of hospital practices shows that non-Federal hospitals almost universally provide extra pay for nurses working on evening and night tours of duty. Also, by law, Federal employees under the General Schedule, Postal Field Service, and prevailing rate systems of pay are entitled to premium pay for such considerations as Sunday and overtime duty.

The Veterans Administration has found it very difficult to attract and retain qualified nurses for the evening and night tours of duty in many Veterans Administration hospitals. An impairment of our ability to provide adequate nursing care for our ill and

disabled veteran patients could result unless immediate action is taken to strengthen our position in this matter.

Developments in recent years with respect to the matter of nurses' pay in private, community and state hospitals throughout the country make it necessary for the Veterans Administration which operates the largest single system of medical facilities in the world, to provide a rounded compensation plan for nurses, including customary provisions for premium pay, in order to remain competitive in attracting and retaining highly qualified nursing personnel.

It is estimated that the annual cost based on present level of salaries, should this amendment be enacted, would be approximately $16 million. Recommended by the Veterans Administration.

Section 205

This section would place into law the existing administrative prohibition against outside professional activities of physicians, dentists, and nurses employed on a full-time basis in the Department of Medicine and Surgery. Specifically, such employees would be barred from: (1) assuming responsibility for the medical care of anyone other than a patient being treated under laws administered by the Veterans' Administration, except where such individual, upon request and with the approval of the Chief Medical Director, performs professional services for communities or medical practice groups to meet medical needs which would otherwise not be available (such service to be limited to 180 days unless extended by the Chief Medical Director for a second period not to exceed 180 days); (2) teaching or providing consultative services at any affiliated institution where such teaching or consultation would conflict with his duties within the Department of Medicine and Surgery; (3) accepting payment for professional services rendered under medicare and medicaid; and (4) accepting travel pay or per diem from any source which would be in addition to or supplement allowances authorized him by chapter 73 of title 38 or under provisions of title 5.

In addition, this section would also prohibit such full-time employees from requesting or permitting any individual or organization to pay his malpractice insurance premiums or his medical, dental, or other professional association dues or membership fees for him, and from performing professional services for the purpose of generating money for any fund or account maintained for the benefit of an affiliated institution or such individual's account. Where such a fund or account is already established, the affiliated institution is required to report on a quarterly basis to the Administrator and to the Comptroller General of the United States with respect to such fund or account and in no event is such an individual permitted to receive any cash from such fund or account on or after the effective date of this prohibition.

The procedures which would be instituted by this section of the bill are similar in purpose to those which were instituted by VA Circular 00–70–22, dated June 3, 1970.

It is estimated that enactment of this section would not result in any additional cost to the Government.

Section 206

This section is a purely technical amendment to place in section 4109 of title 38, United States Code, the appropriate code citation for what was formerly "The Civil Service Retirement Act." Recommended by the Veterans Administration.

Section 207

This Section would amend section 4114 (a)(3)(A) of title 38 to extend from 90 days to one year the present time limit on temporary full-time appointment by the Administrator upon recommendation of the Chief Medical Director, of persons in the Department of Medicine and Surgery, other than physicians, dentists, and nurses. If amended, this authority would parallel the present one-year time limit on part-time appointments of these personnel, other than trainees who currently have no time limit for part-time appointment.

The enactment of this proposal would not result in any significant increase in costs. Recommended by the Veterans Administration.

Section 208

This section would clarify and extend the type of malpractice liability protection now provided medical personnel of the VA Department of Medicine and Surgery by the provisions of section 4116 of title 38, United States Code.

Section 4116 provides, in effect, that a suit against the United States under the Federal Tort Claims Act is the exclusive remedy of an individual seeking to recover for injuries arising while undergoing medical care and treatment in a Veterans' Administration hospital. It was intended to immunize the Department of Medicine and Surgery medical personnel who are covered from personal liability arising out of their official VA duties. It has served its purpose well and has been an aid in the recruitment of much-needed medical personnel. Nevertheless, questions have arisen as to the scope of its coverage in certain situations where a suit against the Government cannot now be brought under the Federal Tort Claims Act (e.g., suits alleging assault and battery, libel and slander, false imprisonment, or relating to a work-incurred injury of a Federal employee).

While several recent decisions by the U.S. Court of Appeals for the Sixth and Ninth Circuits (i.e., *Van Houten* v. *Ralls, 411 F. 2d 940 and Vantrease* v. *United States,* 400 F. 2d 853) have added assurance that the type of protection provided by the so-called Drivers Liability Act (upon which the provisions of 38 U.S.C. 4116 were patterned) was intended to immunize the employees covered thereby from personal liability in all situations where they are sued as a result of their official duties (including when they are sued by a fellow employee for a work-related reason), it is believed desirable to spell out authority in the law itself to insure such immunity.

In addition to providing clarifying language as to the intent of the law, the amendment here proposed would provide Department of Medicine and Surgery medical personnel with a type of protection similar to that contained in the National Health Service Corps Act of 1970 (P.L. 91–623), applicable to Public Health Service Personnel. It would authorize the Administrator, to the extent he deems appropriate, to hold harmless or provide liability insurance for any person to which the immunity provisions of 38 USC 4116 are applicable, where such person might be held liable for damage to property, or personal injury or death, negligently caused while furnishing medical care and treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, under circumstances where the injured party could not bring an action against the United States as provided by Sections 1346(b) or 2672 of title 28. For example, it would provide a means of protecting Department of Medicine and Surgery medical personnel who are assigned to a foreign country, or who are sued for assault and battery, false imprisonment, or libel and slander in connection with the performance of their assigned duties.

By filling a void which exists in areas where a suit against the Government under the Federal Tort Claims Act may now be precluded, this amendment would provide a means of insuring the immunity from personal liability arising out of the performance of official duties, which Congress intended to provide when the provisions of 38 USC 4116 were enacted.

While this proposal may result in a slight increase in the Government's exposure to malpractice claims arising out of the activities of our medical personnel, any cost increase which may be involved would be more than offset by the improvement of morale which would result therefrom, and the added inducement in attempting to recruit shortage category health personnel. Recommended by the Veterans Administration.

Section 209

This section would amend section 4117 of title 38, to authorize the Administrator to enter into contracts to provide scarce medical specialist services at Veterans Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services. This contracting authority would include, but not be limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel.

This proposed amendment is intended merely to clarify current law which authorizes such contracting authority with medical schools and clinics. This contracting authority, insofar as clinics are concerned, has been interpreted by the Comptroller General of the United States (B–169747, June 24, 1970) to mean "any medical organization which is capable of contracting for and furnishing the services in question." Moreover, the Comptroller General was of the opinion that the term "medical specialist" may be construed "as including any professional or technician who performs specialist services related to providing medical care and attention."

Enactment of this section would clarify current statutory language whereby the Administrator could contract for scarce medical specialist services with medical schools, clinics, and any other group or individual capable of furnishing such services and wherein an employer-employee relationship is established.

Exactment of this section would not result in any additional cost to the Government. Recommended by the Veterans Administration.

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Section 301

This section would amend section 5012(a) of title 38, which permits the Administrator to lease lands or buildings under his control for terms not exceeding three years, to exempt such leases from (1) the provisions of section 5 of title 41 requiring advertising where the lease exceeds $500; and (2) from the provisions of section 303b of title 40 which bars lease provisions calling for alteration, repair, or improvement of such leased property as part of the consideration for the rental to be paid. Under the change, the lessee would be permitted to maintain, protect, or restore property where such property is leased to public or nonprofit organizations.

The Veterans Administration only outleases property when it is temporarily excess to its needs. We do not lease for strictly commercial purposes, but only for civic, health, educational or local government use. Thus, advertising in these cases serves no useful purpose but does involve time and expense that is considered unnecessary.

When the Veterans Administration does out-lease property it is most usually to satisfy a particular civic or local community need and is generally to a public or nonprofit organization. In many instances there are benefits, either directly or indirectly, accruing to the Government. Also, there is to be consid-

ered the community relations benefits that are derived. In negotiating the rental value we set a rate that will serve to recapture the value of all services provided by the Government. However, in some instances, we could be relieved of certain expenses for materials and personnel if we could require the lessee to provide for maintenance and protection of the property leased.

Prior to the execution of any such lease, the Administrator is required to give appropriate public notice of intention in the press of the community in which the lands or buildings to be leased are located.

It is estimated that the enactment of this section would not involve any additional cost to the Government, but could result in some savings. Recommended by the Veterans Administration.

Section 302

Subsection (a)(1) of this section would amend section 5053(a) of title 38, by deleting immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics". Current law (38 U.S.C. 5053) requires that the medical school have hospital facilities before any sharing agreement can be made between the medical school and the Veterans Administration.

The amendment proposed here would cure this defect and authorize the Administrator to enter into a contract or agreement with a medical school, whether or not it has a hospital, and with clinics, for the mutual use, or exchange of use of specialized medical resources. Recommended by the Veterans Administration.

This section would amend section 5056 of title 38, United States Code, to clearly delineate the authority of the Administrator to participate in programs under title IX of the Public Health Service Act, and directs the Administrator to the maximum extent practicable, to coordinate with the Secretary of Health, Education, and Welfare, programs carried out under subchapter IV of chapter 81 of title 38, and programs carried out under title IX of the Public Health Service Act. Thus, within certain limitations, a Veterans Administration facility would be eligible to receive funds (through local contracts, agreements, or otherwise) from any institution which is a grantee under section 901(a) of title IX of the Public Health Service Act, and to receive project grants under section 910 of that Act.

The Acting Secretary for Health, Education and Welfare, stated in an opinion dated May 20, 1970, that the Veterans' Administration is not precluded from receiving funds (through local contracts, agreements, or otherwise, from any institution which is a grantee under Section 901(a) of title IX of the Public Health Service Act provided that the Federal facility on its part is authorized to undertake the activity and so to utilize the funds provided. He further stated that by virtue of Section 501 of the Public Health Service Act "research, training, demonstration" project grants may be made direct to Veterans Administration hospitals under title IX of the Act, but only to the extent that the services provided by the Veterans Administration facility, as an affiliate of a regional medical program, constitute a "research, training, demonstration project" to be conducted by the facility as part of a regional medical program. The proposed amendment to Section 5056 of title 38 would make it clear that the Administrator is authorized to participate in programs under title IX of the Public Health Service Act and thus utilize grant funds thereunder.

It is specifically provided in this section that nothing therein shall be construed to authorize the furnishing of care in any VA facility to any individual not eligible for such care under other provisions of title 38.

There would be no identifiable additional cost resulting from the enactment of this provision. Recommended by the Veterans Administration.

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

Section 401

This section amends section 234 of title 38 to permit the installation of official telephone service in the private residences, apartments, or quarters of non-medical Veterans Administration hospital, independent clinic, domiciliary, and center directors.

Present law permits such official telephones only for directors who are physicians. This direct service has proven very valuable in (a) local within hospital emergencies, including such instances as berserk patients and employees, shootings, an employee held as a hostage, and the sudden death of a key employee while on duty after hours; (b) local community emergencies such as Hurricane Camille, tornadoes, and train collisions with multiple victims; and (c) national and area civil defense programs where the support, participation, and coordination by each Veterans Administration hospital director is required on a planned basis. This has permitted direct communications with these key officials without having to compete with the normal family telephone. More well-trained non-medical administrators are becoming available to us as hospital, center, clinic and domiciliary directors and we believe that these non-medical directors have as great a need for rapid telephone service in the case of these within-facility, local, or civil defense emergencies as the other directors.

It is estimated that such a proposal would cost approximately $3,000 annually. Recommended by the Veterans Administration.

TITLE V—APPLICABILITY OF ECONOMIC STABILIZATION ACT OF 1970

Section 501

This section reflects a recognition by the Committee of the possible applicability to parts of the bill of the President's current wage-price freeze and provides that to the extent deemed applicable by the President or his designee, sections 203 and 204 of this Act shall be subject to the provisions of the Economic Stabilization Act of 1970 (84 Stat. 799) as implemented by Executive Order 11615, dated August 15, 1971.

Mr. TEAGUE of California. Mr. Speaker, the bill before the House, H.R. 10880, represents the best judgment of the hard working and conscientious Subcommittee on Hospitals of the Committee on Veterans' Affairs under the able leadership of Chairman DAVE SATTERFIELD of Virginia and the ranking minority member, JOHN SAYLOR of Pennsylvania. Because I am aware of the arduous study the subcommittee has given to this measure, I am confident that it is a good bill and I shall support it.

I am particularly pleased to support the provisions of the bill that authorize outpatient care for veterans as well as the night, Sunday, and holiday differential pay for nurses.

In authorizing outpatient medical treatment before a veteran becomes sick enough to require hospitalization, it is obvious that we are approving a more economical method of health care delivery and, at the same time, we are permitting the physicians to render treatment in many cases, before the onset of serious illness.

The differential pay for nurses authorized by this bill is certainly justified. If the Veterans' Administration hospital system is to recruit and retain qualified and capable nurses, its pay scale and fringe benefits must be comparable to that of other systems that employ nurses. The additional pay for nights, Sundays, and holidays will make a nursing career in the Veterans' Administration more attractive.

For these reasons, Mr. Speaker, I shall support this bill.

Mr. Speaker, I yield 19½ minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, the bill before the House today, H.R. 10880, known as the "Veterans' Medical Care Act of 1971" is a good bill. It was not conceived in haste but rather is the end product of several weeks of hearings followed by several weeks of intensive study and several markup sessions of the Subcommittee on Hospitals. The free exchange of ideas between members and the willingness of an extremely fair-minded chairman, the gentleman from Virginia, Mr. SATTERFIELD, to explore fully any reasonable recommendation has produced a bill in which everyone, in the vernacular of the day, has a piece of the action.

This bill, Mr. Speaker, will expand and improve the delivery of health services in the Veterans' Administration and it will permit the Veterans' Administration to compete with the private sector in the recruitment of nurses and doctors.

I want to discuss several of the more significant provisions of this measure. First, the bill will authorize the Veterans' Administration to furnish hospital care to the wives and children of veterans who are permanently and totally disabled as the result of military service and the widows and children of persons who died as the result of service connected disabilities. While this appears to have far-reaching implications, it will basically correct an inequity of existing law.

You see, Mr. Speaker, a substantial segment of these dependents to whom we extend Veterans' Administration hospital privileges in this legislation are already entitled to Federal Government hospital benefits by virtue of the fact that they are the dependents of retired military personnel or of persons who die while on active duty. Still others are eligible for hospital benefits under the social security medicare program.

So, we have already authorized hospital benefits for the dependents of many of our seriously disabled and deceased service connected veterans. Unfortunately, the largest single group of dependents who are not entitled to one of the Federal Government assisted medical care programs are the dependents of permanently and totally disabled and deceased service connected enlisted personnel of World War II.

Until 1949, Mr. Speaker, only commissioned officers in the military services were eligible for disability retirement and the concomitant entitlement to dependents medical care. Since 1949, both officers and enlisted men with 30 percent or more disability have been eligible for disability retirement. With the dependents of World War I veterans being eligible for medicare, the dependents of World War II enlisted men, despite the fact that the husband or father may have been killed in action or seriously disabled, are not

eligible for Federal Government hospital benefits. This bill, Mr. Speaker, corrects this inequity by making Veterans' Administration hospitalization available to the dependents of service connected deceased or permanently and totally disabled veterans.

Another important provision of this bill, Mr. Speaker, will authorize outpatient medical treatment to those eligible for hospital care if such treatment appears reasonably necessary to obviate the need for hospitalization. Because outpatient services today are generally limited to treatment of service connected disabilities, the Veterans' Administration finds itself in the ridiculous position of having to tell the sick veteran who seeks outpatient treatment, "We're not authorized to treat you as an outpatient, but go home, get a little sicker, and then we'll admit you to the hospital for treatment."

This bill, in authorizing outpatient treatment, Mr. Speaker, will permit the Veterans' Administration medical service to practice preventive maintenance. For a nominal cost, they will be able to treat and hopefully cure a veteran patient before it becomes necessary to admit him to a $50-per-day hospital bed.

Another important feature of this bill, Mr. Speaker, will authorize a pay differential for nurses performing duties at night, and on Sundays and holidays. The bill authorizes a 10-percent differential for duty between 6 p.m., and 6 a.m., and a 25-percent differential for Sunday work. Time-and-a-half pay for overtime and double time for holidays is also authorized.

Non-Federal hospitals, Mr. Speaker, generally authorize premium pay for nurses performing night duty. Most pay systems, including that of the Federal Government for general schedule employees, authorize premium pay for Sunday and overtime duty. The Veterans' Administration has informed our committee that they are having very great difficulty in attracting and retaining qualified nurses because of the inability to compete with non-Federal health organizations in pay and fringe benefits. We expect the differential pay provisions of this measure will place the Veterans' Administration in a more competitive position.

Mr. Speaker, these are the major provisions of this bill and I urge that it be passed.

Mr. HALL. Mr. Speaker, I wonder if my friend, the gentleman from Texas, would answer a question before the Speaker puts the question on suspending the rules?

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may require to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding the time.

On page 2 of the report under item (5) having to do with the purposes of the bill, it just is not clear to me whether the two additional "assistant chief medical directors" authorized herein, who are not doctors of medicine, dental surgery or dental medicine, are the ones referred to in the next sentence—who will be director of the Pharmacy Service and director of the Dietetic Service. Or are they also assistant chief medical directors?

Mr. TEAGUE of Texas. No; they are not. But I would like to yield to the gentleman from Pennsylvania or to the gentleman from Virginia, who did most of the work on this bill.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. SAYLOR. I just want to say they are not. They are not necessarily the director of the Pharmacy Service or the director of the Dietetic Service.

Mr. HALL. I would presume then that the requirement for additional assistant chiefs who are nonprofessional, would be to take some of the administrative load off the current medical director—and this has been well rationalized and demonstrated as a necessity before the committee in its hearings. Is that a correct assumption?

Mr. TEAGUE of Texas. We certainly hope so.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. The gentleman has stated exactly the reason that the Administrator of Veterans' Affairs came before our committee and asked for these two specific positions, because he feels that there is a need to have someone other than doctors share a part of this burden.

Mr. HALL. I will ask my colleague, Mr. Speaker, just in continuation of the colloquy, if this is approved by the medical director, inasmuch as we have been down this primrose path before of removing decisionmaking and hospital administration from the professional, to the extent where finally the physicist or the social worker is deciding medical problems?

Mr. SAYLOR. If my colleague will yield to me, I just want to say that this is being done at the direct request of the Director of Medical Services of the Veterans' Administration.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I yield back the remainder of my time.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with much pride and great pleasure that I rise to express my support for enactment of the Veterans Medical Care Act of 1971. This act constitutes a truly meaningful response—an enlightened reaction—to the many problems and burdens confronting our Veterans throughout the Nation. As a member of the Subcommittee on Hospitals, deeply involved in the drafting of this legislation, I can speak with personal knowledge of its relevancy and of its worth. All of us realize only too well the heroic sacrifices of our veterans, and this is no less true of those returning, battle scarred, from Southeast Asia, than of previous conflicts.

The Veterans' Medical Care Act of 1971 addresses itself to compelling needs, not only of our veterans, and returning servicemen, but their families in a responsible and effective way. This legislation will enable the Administrator of the Veterans' Administration to authorize the provision of hospital care, when such would not deprive a veteran in actual need, to the wife or the child of a permanently disabled veteran whose incapacity is a result of his military service.

This legislation will also enable the provision of hospital and medical care to the widow or the child of a veteran who is permanently and totally disabled, and whose incapacity has arisen in direct consequence of his military service, upon death of the veteran, with the reasonable provision that such should not preclude or exempt the right of a veteran to such services, through prior right.

This legislation authorizes the administrator to initiate and carry out a desperately needed program of training and education of such health personnel as will enable the enhanced character of medical care accessible for the care and treatment of veterans in need of such care.

This legislation shall serve to strengthen the administrative functions of the Veterans' Administration, which are highly efficient, through the authorization of appointment of two assistant chief medical directors, which shall have the effect of more measurably smoothing the flow and continuity of the programs administered.

Among many other innovative and meritorious measures contained in this legislation is the provision allowing the furnishing of nursing home care in public or private nursing homes, not within the jurisdiction or authority of the Administrator, a means of enabling those who have been provided care in hospitals of the Armed Forces to receive such nursing home care without prior necessity of hospitalization in a Veterans' Administration hospital.

This legislation also serves to encourage, through appropriate incentives, the continued services of highly valued personnel within the Veterans' Administration, and to enable the recruitment of the most exceptional and valuable resource personnel for the well-being of the veterans receiving services and assistance through the Veterans' Administration.

Of the major features of this legislation is the provision for strengthened nursing care services, and the authorization of allowances for added compensation for the dedicated nurses now employed, for overtime and night duty, with increased retirement benefits which should surely attract even more of the finest of personnel.

Our support of this legislation shall serve as an expression of the debt of gratitude we owe our servicemen, who have "borne the burdens" in the defense of the Nation and the ideals of freedom we hold so dear.

Mr. DORN. Mr. Speaker, I strongly urge my colleagues' support for the Veterans Medical Care Act of 1971. This is a comprehensive bill designed to improve the quality of medical care available to our veterans. And for the first time, it makes VA medical facilities available to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a veteran who died as the result of a service-connected disability.

This bill also directs the VA to develop a cooperative program with schools of medicine and other institutions for the training and education of health service

personnel. This program will be especially beneficial to areas such as South Carolina that have insufficient numbers of physicians.

In connection with the extension of medical and hospitalization benefits to certain wives and widows, this is a necessary enlargement of VA benefits to a uniquely deserving group who have special burdens as a result of their husband or father's disability.

Another important feature of this bill, Mr. Speaker, is that it would permit the VA to provide outpatient medical care to veterans where such outpatient care is necessary to prevent hospitalization.

Mr. Speaker, once again our great Chairman "TIGER" TEAGUE has brought before the House a bill to insure that our veterans receive the best possible medical care. His tenacity and dedication to the welfare of our veterans is unsurpassed in any branch of government. We are indebted too, Mr. Speaker, to the tireless service of the gentleman from Virginia (Mr. SATTERFIELD) whose subcommittee on hospitals held extensive hearings to develop this legislation.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 10880.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AND ALTERATION OF VETERANS' ADMINISTRATION HOSPITALS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6568), to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs, as amended.

The Clerk read as follows:

H.R. 6568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following:

"(g)(1) No appropriation shall be made to construct any hospital or domiciliary facility or to acquire any such facility involving an expenditure in excess of $100,000, and no appropriation shall be made to alter any such facility involving an expenditure in excess of $500,000, if such construction, alteration, or acquisition has not been approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives, and such approval has not been rescinded as provided in paragraph (3) of this subsection. For the purpose of securing consideration of such approval the Administrator shall transmit to Congress such prospectus of the proposed project, including (but not limited to)—

"(A) a brief description of the facilities to be constructed, altered, or acquired; and

"(B) the location of the project, and an estimate of the maximum cost of the project.

"(2) The estimated maximum cost of any project approved under this subsection as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

"(3) In the case of any project approved for construction, alteration, or acquisition, by the Committee on Veterans' Affairs in accordance with paragraph (1) of this subsection, for which an appropriation has not been made within one year after the date of such approval, the committee may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

"(4) This subsection and subsection (h) of this section shall not apply to any project for construction, acquisition, or alteration (A) with respect to which any funds were appropriated before the date of enactment of this subsection or by Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1972, or (B) after any funds have been appropriated with respect to any such project after the date of enactment of this subsection.

"(h) (1) The Administrator shall submit to the Congress a prospectus of each proposed project to alter any hospital or domiciliary facility involving an expenditure in excess of $100,000 but equal to or less than $500,000. In the case of each such proposed project, such prospectus shall include, but not be limited to, (A) a brief description of the facilities to be altered, and (B) an estimate of the maximum cost of the project.

"(2) No appropriation shall be made to alter any hospital or domiciliary facility involving an expenditure in excess of $100,000 but equal to less than $500,000, unless (A) a prospectus with respect thereto as required by paragraph (1) of this subsection is submitted during the session of the Congress in which such appropriation is proposed to be made, (B) a period of sixty days has expired since the date on which the Administrator submitted such prospectus to the Congress, and (C) the Committee on Veterans' Affairs of the House of Representatives has not adopted a resolution during such sixty-day period stating in substance that it does not favor such proposed project.

"(i) No hospital or domiciliary facility over which the Administrator has direct and exclusive jurisdiction and which is in operation on the date of enactment of this subsection shall be closed unless such closing is approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives."

SEC. 2. Notwithstanding any other provision of law, on or after October 1, 1971, no real property which was under the jurisdiction of the Veterans' Administration on that date may be transferred (by sale, lease, or otherwise) to any public or private agency or person unless such transfer is first approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the chairman of the Subcommittee on Hospitals, Mr. SATTERFIELD, will explain the details of H.R. 6568, but I wanted to make some comments concerning the background of this legislation. I consider it a very important bill and apparently a bill that is necessary if the future of the Veterans' Administration hospital and medical program is to be assured. The program for construction of Veterans' Administration medical facilities is unique among the other major Federal construction programs.

Many years ago Congress gave authority to the President to recommend the locations of Veterans' Administration facilities. These recommendations are acted upon by the Appropriations Committee, and this is the method which has been followed for many years for the construction of Veterans' Administration medical facilities. The House Veterans' Affairs Committee has tried to be a good partner in this program, but I must say that we have not received a great deal of information or consideration over the years regarding the development of future plans for Veterans' Administration hospital construction and modernization.

Several years ago it appeared that we had solved the problem. A long-range modernization and construction program was developed in conjunction with the Eisenhower administration, and this program was agreed to by the White House, the Veterans' Administration, the Bureau of the Budget, and the Committee on Veterans' Affairs. This was to be a 10-year, billion-dollar program which would modernize the Veterans' Administration medical facilities. The program proceeded satisfactorily for several years, but in recent years it has been subjected to many disruptions.

Each of the last three administrations, including the present one, has seen fit to defer or substantially reduce the scope of the program for at least 1 year. The program has been stretched out and, of course, construction costs have risen. In recent years the Office of Management and Budget has shown an increased reluctance to support the program.

Just before the August recess I had a meeting with the President and Mr. George P. Shultz, the Director of Management and Budget, along with my colleague, CHARLES TEAGUE, the ranking minority member of the committee. The Administrator of Veterans' Affairs was also present at the meeting. I expressed concern to the President about this problem, and following the meeting, I wrote the Director of the Office of Management and Budget, outlining in detail the history of the Veterans' Administration construction program, and expressed concern about the lack of cooperation. That letter, dated August 3, 1971, follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C. August 3, 1971.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: I am writing to express my special concern about the failure of the Executive Branch of the government throughout several Administrations to live up to an agreement made with the Congress during the Eisenhower Administration to replace and modernize many Veterans Administration hospital facilities. Many of the structures which are still being used were constructed prior to or during World War II as temporary military hospitals and were later inherited by the Veterans Administration. Two domiciliaries have buildings which are over 100 years old. Four others have buildings which were constructed prior to 1900. In general, these facilities are very crowded and unsatisfactory.

In 1944 Congress authorized expansion of the VA hospital system by appropriating $1.1 billion to add approximately 49,000 new beds to the VA system. In 1958, because of concern that VA hospitals were not keeping pace with those in the private medical sector, the Administrator appointed a special task force, including representatives from the then Bureau of the Budget, to study and appraise long range modernization and replacement requirements. This two year study resulted in a 12 year plan to spend $900 million to modernize 65,629 beds at 72 existing pre-World War II hospitals and to construct 11,029 new beds to replace some completely outmoded facilities. This plan was presented to the House Veterans Affairs Committee and to both Appropriations Committees as a plan to support future appropriation requests. It was accepted by the Bureau of the Budget and the Congress. It received the enthusiastic endorsement of the national veterans organization. Funding for the program was started in 1961 with the appropriation of $75 million and this approximate level of appropriations was maintained for the next four years. Without consultation with the appropriate congressional committees, the plan was revised in 1962 to $1.3 billion over a 15 year period, with an annual funding level of about $90 to $100 million. This new level was reflected in appropriations of about $98 million in fiscal 1965 and about $91 million in fiscal 1966.

Later, and again without consultation with appropriate congressional committees, the plan was revised upward to a $2 billion program to be funded over a 20 year period at approximately $115 million annually. However, funding fell far short of the projected levels. About $52 million was appropriated in 1967 and 1968; about $8 million in 1969; $69 million in 1970; $59 million in 1971; and $93 million in fiscal 1972. During the past twelve fiscal years the Veterans Administration has requested construction funds of almost $1.2 billion. The Bureau of the Budget and its successor, the Office of Management and Budget, has permitted VA to include in their budget a total of $847,604,000 and the Congress has appropriated through fiscal 1972 a total of $827,882,000 or almost $347 million less than the Veterans Administration requested in an effort to keep many of their hospital facilities from deteriorating.

The appropriated funds have or will be used as follows:

[In millions]

New, replacement and relocation hospital	$408
Modernization of hospitals	149
Other hospital improvements	176
Restoration centers	2
VA nursing homes	14
Alterations and construction of research facilities	40
General administration	36

Of the 72 hospitals scheduled for modernization under the original twelve-year plan, 6 have been closed, 1 was destroyed during the San Fernando earthquake, 8 have received partial funding and 41 have not been funded at all through fiscal year 1972. In view of the time lapse on the modernization program, some of the hospitals scheduled for major modernization twelve years ago may now be so outdated and outmoded that replacement with new facilities may be more feasible than major modernization.

I do not believe that the VA construction program can any longer endure the hit or miss funding plan which it has experienced over the past twelve years. The average age of the almost 15 million World War II veterans is now about 52 and they are fast approaching the time when they will be needing more and more acute and long term care similar to that required by the Veterans of World War I. If this nation is to keep its commitment to its veterans, including the millions of Vietnam era veterans who are now being discharged, it is abundantly clear that an up-to-date plan should be presented to the Congress for consideration. I have been told recently that a "six year projection for fiscal years 1973–1978" exists; however, no such plan has been transmitted to our Committee, although it should be obvious to the Veterans Administration that this Committee has a vital interest in the planning and development of VA hospital facilities.

I also know that from time to time there have been substantial sums of unobligated funds in this program; however, I am convinced that many projects have been delayed on order from the Office of Management and Budget in an effort to curtail the program. There are over ten major projects which should have received at least partial or additional funding in the 1972 budget which were not included even though hospital space planning and criteria studies had been completed and the projects were ready to be funded for preliminary plans and other purposes. As of June 30, 1971, approximately $35 million remained unobligated which could and should have been used to improve the delivery of health care to America's veterans. Large numbers of VA hospitals are not air conditioned even though design plans have been developed for many of them.

It is my belief that a new VA hospital construction program plan should be presented to the appropriate committees of Congress, including this Committee, at the earliest possible date. I believe that a tentative plan should be submitted for study by November 1, 1971, and it should be finalized so that the first phase can be included in the 1973 appropriation request.

I appreciated the opportunity of discussing this problem personally a few days ago at the White House. In those discussions emphasis was placed on the care of service-connected veterans. The inference was that an obligation to the non-service-connected veterans does not exist, or at best, is of low priority.

I am aware that the law provides that non-service-connected veterans will receive care on a bed-available basis, but I think it should be pointed out that over 42,000 of the operating beds of the Veterans Administration are utilized in the care of mental cases and I think it is generally recognized that this type of case must be supported in public facilities, whether at the federal, state or county level. In addition, approximately 25,000 of the patients are elderly nursing care cases whose income is minimal. This type of case also requires public care at some level.

We are in the process now of organizing a drug abuse program to meet a current serious public problem. Many of the non-service-connected medical patients in the Veterans Administration are poverty stricken or suffer from disastrous disease affliction. The point I am making is that even if the Veterans Administration closed a substantial portion of its facilities and ceased to care for non-service-connected veterans, this certainly does not mean that most of these cases would not continue to require care in public facilities at the expense of the taxpayer. A substantial number of the VA patients are Medicare eligible, even though VA received no reimbursement.

At the close of our conversation you said to me. "We (the office of Management and Budget) are not as bad as you think we are." For many years we carried on a close, cooperative relationship with your predecessor agency, the Bureau of the Budget, but in recent years we have had no direct contact with the Agency. I am convinced that those personnel of the Office of Management and Budget at the review level are antagonistic to the Veterans Administration medical program. That group has just scheduled a month-long, conference and study "to define the major choices for federal investment in Veterans Administration hospital construction 1973–1977, based on alternative Veterans Administration role in the President's health program and consequent VA hospital bed requirement." The President's health program has been used for some time now as an excuse for not facing up to VA construction and funding requirements. There is no doubt in my mind that when this study is complete that the recommendation will again be, using the President's program as an excuse, to downgrade the Veterans Administration medical program and seek to rely on other sources for veterans health care. It appears to me that the role of the VA medical program should have long since been decided. It certainly does appear to be so in the minds of the Members of Congress.

The constant attempts by review level personnel of the Office of Management and Budget to curtail the Veterans Administration medical program, impede the modernization and construction program and circumvent appropriations made by the Congress is discouraging, is well known to all interested in these programs, and is a source of considerable dissatisfaction in the Congress and among veterans organizations.

I respectfully request that you instruct the appropriate officials in the Office of Management and Budget and the Veterans Administration to proceed with this planning on a priority basis.

If you disagree with the program or policies suggested, I would appreciate knowing the areas of disagreement and your reasons.

Sincerely,

OLIN E. TEAGUE,
Chairman.

I now have a response, dated September 15, 1971, from Mr. George P. Shultz, Director, Office of Management and Budget, in which he says in effect, that the construction program of the Veterans' Administration is being deferred for study because of the President's proposal for a national health-care system. Those of us that believe that a strong medical program for veterans should be continued regardless of solutions to the health problems of the general public view this as an unnecessary delay, or perhaps an evasive tactic, since we do not believe the two programs are substantially interrelated. Mr. Shultz's letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1971.

Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TEAGUE: This is in reply to your recent letter concerning the VA hospital construction program.

As we discussed in the meeting with the President, we certainly appreciate the strong and personal interest which you have taken in the veterans' medical programs.

It is becoming increasingly clear that opinion in the country is beginning to focus on the broad field of health care as an area in which basic public policy changes must be made. Important proposals have been introduced into the Congress to reform the financing of health care services. The Administration has proposed a major new bill which we believe will provide efficient care for the Nation on a more equitable basis, making full use of our most advanced medical technologies.

Congress will have extensive hearings on health issues. As new national policies for the organization, financing, and delivery of health care are developed, we believe that both the Administration and the Congress need to consider the role of VA medicine in this broader context.

You may be certain that the Administration will carry out its planning on a basis which will enable us to discuss with the Congress these critical health care financing questions during the next year. The House Veterans Affairs Committee has, of course, a vital role in this area and it is our intention to have Don Johnson and others in the Administration with responsibilities in the health field work closely with you and your Committee on these matters.

Sincerely,

GEORGE P. SHULTZ,
Director.

The bill, H.R. 6568, which we have before us would not eliminate the authority of the President to determine the site of Veterans' Administration hospitals, but it would require that plans be submitted to the House Veterans' Affairs Committee, and the Senate Veterans' Affairs Committee if that body chooses to include itself, for ratification by resolution prior to implementation.

This bill, H.R. 6568, addresses itself to another serious problem. This has to do with the disposition of land held by the Veterans' Administration as sites for its hospitals. The Veterans' Administration has been subjected to increasing pressure by the General Services Administration and the Federal Property Review Board to declare surplus portions of land now used as hospital sites. In several cases the Veterans' Administration has tried to resist these surplus declarations, but has been overridden by the Federal Property Review Board. Surveys are going on now at a number of Veterans' Administration hospitals in an effort to declare land surplus.

We have asked the Veterans' Administration to delay surplus declarations of land because all available land may be of use in connection with establishing facilities for educational programs and in some cases may be suitable for cemetery uses. In some instances, sale of the land recommended to be declared surplus by the General Services Administration will seriously effect the esthetic values of hospital sites. Even though the committee has expressed its concern about this land disposal program, we have received no indication from GSA or the Office of Management and Budget that the committee's viewpoint was to be considered, and apparently the program for surplus declaration is going ahead.

This bill would require that real property under the jurisdiction of the Veterans' Administration may not be transferred unless such transfer is first approved by resolutions adopted by the Committee on Veterans' Affairs of the House of Representatives, and the Senate Committee on Veterans' Affairs if that body chooses to include itself in this legislation.

Mr. Speaker, it is apparent that Congress has not been granted full partnership in the planning of Veterans' Administration hospital and medical facilities. I hope the enactment of this bill will move a step in that direction.

Mr. Speaker, I yield whatever time he desires to the gentleman from Virginia (Mr. SATTERFIELD), chairman of the subcommittee.

Mr. SATTERFIELD. Mr. Speaker, H.R. 6568, if enacted, would prohibit any appropriation for construction or acquisition by the Veterans' Administration of a hospital or domiciliary facility which involves the expenditure of over $100,000 or the alteration of existing facilities exceeding $500,000, unless the Veterans' Administration has transmitted a prospectus of the project to the Congress which is thereafter approved by a resolution of the Committee on Veterans' Affairs. If an appropriation is not made within 1 year from the date of approval, the committee may rescind its approval.

The bill would also prohibit appropriations for the alteration of hospitals or domiciliaries which involve expenditures in excess of $100,000 but not more than $500,000, unless a prospectus is submitted to the Congress during the session in which the appropriation is proposed. Appropriations may then be made, after expiration of a 60-day period from the date of submission of the prospectus, provided the Committee on Veterans' Affairs has not adopted a resolution during that period indicating that it does not favor the proposed project.

Finally, the bill would: First, prohibit the closing of Veterans' Administration hospital or domiciliary facilities in operation at the date of enactment unless the closing is approved by a resolution of the Committee on Veterans' Affairs and second, prohibit the transfer, by sale, lease, or otherwise, of any real property under the jurisdiction of the Veterans' Administration on or after October 1, 1971, unless the transfer is approved by a resolution of the Committee on Veterans' Affairs.

In its report on this bill the committee takes note of our counterpart in the other body and observes that in the event of approval of the bill by the House the Senate Committee on Veterans' Affairs will, of course, appropriately exercise its prerogative in determining the extent to which it finds a need to participate in the legislative oversight procedure set forth in the bill.

As Chairman TEAGUE has indicated, there has through the years been almost a complete absence of participation by the legislative branch in the planning and programing of the huge physical plant operated by the Veterans' Administration through the Department of Medicine and Surgery.

The House Committee on Veterans' Affairs is charged under the Legislative Reorganization Act with legislative oversight over these activities, and it is felt that the effective discharge of this responsibility obviously requires that the committee be advised in advance and consulted in advance with respect to the carrying out of the long-range construction program, and other programs, designed to provide medical care and treatment for veterans. The committee feels that the reported bill will insure such advice and consultation, and recommends its enactment.

In conclusion, Mr. Speaker, I should emphasize that this proposal is not unique and, despite certain concern expressed in the agencys' report, does not, in the opinion of the committee, impinge on the constitutional authority vested in the executive branch. The bill is modeled very closely after section 7 of the Public Buildings Act of 1959 which provides for very similar participation by the respective Committees on Public Works of the House of Representatives and the Senate. Further, as the Members are fully aware, many agencies, notably the military departments and NASA, are subject to annual specific authorizing legislation prior to the appropriation process.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may desire to the distinguished gentleman from Pennsylvania (Mr. SAYLOR), ranking Republican member of the subcommittee.

Mr. SAYLOR. Mr. Speaker, I will support H.R. 6568. This bill will require the specific approval by resolution of the Committee on Veterans' Affairs of any new hospital construction involving expenditures in excess of $100,000 or alterations of existing hospitals involving expenditures of more than $500,000. Alteration projects involving expenditures of $100,000 to $500,000 require notification to the committee. A resolution of disapproval must be filed within 60 days if construction is not to proceed.

The bill also provides that no Veterans' Administration hospital may be closed nor Veterans' Administration land transferred to any public or private agency unless approved by resolution adopted by the Committee on Veterans' Affairs.

A measure similar to this one, Mr. Speaker, passed the House in the 88th Congress, but failed of action in the other body.

As Members are well aware, the Committee on Veterans' Affairs and the Appropriations Committee play a significant role in assuring that the Veterans' Administration hospital system is adequately funded and operates sufficient beds to care for the medical needs of the veteran population.

Despite the fact that a long-range program of improvement and modernization of Veterans' Administration hospitals was adopted in 1961 by the President and informally approved by our committee, the Veterans' Administration has on several occasions revised this program without consulting our committee. We believe that the best interests of the Nation's veterans will be served by making an agency of the Congress a full partner with an agency of the executive branch

in approving these hospital construction projects, much in the same manner as the partnership exists with respect to military construction and public building construction.

With respect to the provision of the bill that authorizes prior approval of hospital closings by the Committee on Veterans' Affairs, I need not remind Members of the situation that was created by former President Johnson's order of January 1965, wherein he closed 11 Veterans' Administration hospitals. As the result of congressional furor, one-half of these hospitals were kept open. Had the prior approval procedure similar to that contained in the measure before the House today existed at that time, the executive branch could not have closed any of these hospitals without advanced congressional approval.

Mr. Speaker, this is necessary legislation and I urge that it be passed.

Mr. JOHNSON of California. Mr. Speaker, I rise today in support of H.R. 6568, a bill to provide more adequate congressional review of the major construction and modernization programs of hospitals under the jurisdiction of the Veterans' Administration.

I think it goes pretty much without saying that the Congress under the leadership of the Committee on Veterans' Affairs, chaired by the distinguished gentleman from Texas, Mr. TEAGUE, and the Committee on Appropriations headed by his fellow Texan, Mr. MAHON, and their respective subcommittees, has taken a major role in developing adequate hospital facilities for this Nation's veterans.

Just recently the Congress increased the funding for our VA hospital program and I look at the legislation we have before us today as a companion piece of this action. Enactment of H.R. 6568 will give the Congress a long-term view at our hospital needs.

Under the present arrangement the Congress does not become involved in planning and programing hospital programs until the Veterans' Administration comes to the Congress for an appropriation. The long-range planning as to the location and type of facilities are done completely by the executive agencies including the VA, of course, and the Office of Management and Budget.

In recent years some of these changes in concept and program have been extremely far-reaching and the authorizing committees of Congress, namely, the Veterans' Affairs Committees of both the House and Senate have had no opportunity to participate in this long-range planning.

Certainly on the House side the Committee on Veterans' Affairs has established an outstanding reputation of providing adequately for our veterans, and I think that their wisdom and knowledge should be extended to the hospital program. This is what this legislation would accomplish.

I would note that the Veterans' Administration now operates nearly 190 medical and surgical facilities. Planning for and supervision of a medical program of such a vast scope including the programing of new facilities requires all the wisdom that we can put to this responsibility.

In past years the VA has commented that this responsibility "obviously requires an orderly system of long-range planning to achieve the best and most equitable results." Under the Legislative Reorganization Act, the Veterans' Affairs Committee is given the oversight responsibility. This responsibility cannot be met without proper and complete consultation on the part of the executive agency. This we seek to do in this legislation and I would join my colleagues in urging this enactment.

Mr. DORN. Mr. Speaker, I strongly support H.R. 6568 which will vest more authority in the Congress in constructing Veterans' Administration facilities. For years, it appeared that we had solved the problem. A long-range construction and modernization program was developed in conjunction with the Eisenhower administration, and this program was agreed to by the White House, the Veterans' Administration, and the appropriate committees of the Congress. This was to be a 12-year, billion-dollar program to modernize VA medical facilities. The program proceeded satisfactorily for several years, but in recent years it has been subjected to many disruptions. A prime example of how it has been disrupted relates to the Columbia, S.C., Veterans' Administration hospital where there has been much talk and many announcements in the executive branch of the Government about modernization and enlarging this hospital; however, despite most recent announcements, authorization has not been granted to proceed with this sorely needed modernization project and the proposed addition. We have now been informed by the Director of the Office of Management and Budget that no new construction will be undertaken pending study of the President's health care proposals.

Mr. Speaker, passage of H.R. 6568 will give the Congress more authority in VA hospital construction. This bill has been designed to insure that our Nation's sick and disabled veterans will receive proper medical care in future years and I urge its early enactment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill (H.R. 6568) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

A BILL TO AMEND THE WATER RESOURCES RESEARCH ACT OF 1964

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10203) to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

The Clerk read as follows:

H.R. 10203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 100 (a) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a), is amended (A) by striking out "$100,000" and inserting in lieu thereof "$250,000", and (B) by striking the period at the end of the subsection and adding ": *Provided further,* That for fiscal year 1973 not more than $125,000 shall be appropriated for each of the District of Columbia, the Virgin Islands, and Guam, and for fiscal year 1974 not more than $200,000 shall be appropriated for each of such areas."

SEC. 2. The second sentence of section 100 (b) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a) is amended by inserting after the word "problems," the following: "and scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research deemed potentially significant for solution of water resource problems, providing means for improved communication regarding such research results, including prototype operations, ascertaining the existing and potential effectiveness of such for aiding in the solution of practical problems, and for training qualified persons in the performance of such scientific information dissemination,".

SEC. 3. Subsection 100(b) of the Water Resources Research Act of 1964 is further amended by adding at the end thereof the following sentence: "The annual programs submitted by the State institutes to the Secretary for approval shall include assurance satisfactory to the Secretary that such programs were developed in close consultation and collaboration with leading water resources officials within the State to promote research, training, and other work meeting the needs of the State.".

SEC. 4. Section 102 of the Water Resources Research Act of 1964 is amended by adding after the first sentence a new sentence reading as follows: "Funds received by an institute pursuant to such payment may be used for any allowable costs within the meaning of the Federal procurement regulations that establish principles for determining costs applicable to research and development under grants and contracts with educational institutions (41 CFR 1–15.3), including future amendments thereto: *Provided,* That the direct costs of the programs of each State institute, as distinguished from indirect costs, are not less than the amount of the Federal funds made available to such State institute pursuant to section 100 of this Act."

SEC. 5. Section 200 of the Water Resources Research Act of 1964 is amended by adding a new subsection (c) as follows:

"(c) In addition to other requirements of this Act, the Secretary's annual report to the President and Congress as required by section 307 of this Act shall specifically identify each contract and grant award approved under subsection (a) of this section in the preceding fiscal year, including the title of each research project, name of performing organization, and the amount of each grant or contract.".

SEC. 6. Section 306 of the Water Resources Research Act of 1964 is amended by changing the period to a comma and adding "the District of Columbia, and the territories of the Virgin Islands and Guam.".

SEC. 7. Section 307 of the Water Resources Research Act of 1964 is amended by striking out "March 1" and inserting in lieu thereof "October 1" and by striking out "calendar" and inserting in lieu thereof "fiscal".

SEC. 8. The Water Resources Research Act of 1964 is amended by inserting the following new section:

"SEC. 308. Excess personal property acquired by the Secretary under the Federal Property and Administrative Services Act of 1949, as amended, for use in furtherance of the purposes of this Act may be conveyed by the Secretary to a cooperating institute, educational institution, or nonprofit organization, with or without consideration, under

such terms and conditions as the Secretary may prescribe.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the Chairman of the full Committee, the gentleman from Colorado (Mr. ASPINALL).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks that I shall make, and that all Members may have the same privilege.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. Speaker, the next five bills to come out of the Committee on Interior and Insular Affairs came out, as far as I know, with unanimous support. They are too important to have been considered on the Consent Calendar—and I say that even with respect to No. 2, which was on the Consent Calendar. It is our intention to write a good record on each one of these bills, but we do not intend to take too much time of the House this evening.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 10203, a bill to amend the Water Resources Research Act of 1964. This bill makes a number of improvements in the act on behalf of more effective and efficient program administration, authorizes the creation of three additional research institutes for jurisdictions where there now are none, and, most important, increases the amount authorized to be appropriated for the annual allotment grant program.

The Water Resources Research Act of 1964 is administered by the Secretary of the Interior through the Office of Water Resources Research. The program has been in operation for some 7 years and is rapidly maturing into the operation that the Congress had in mind when the original act was passed. One of my reservations about this program in the past, Mr. Speaker, has been that not enough emphasis has been placed on finding solutions to the day-to-day problems facing our water resource managers. In the past it has seemed to me that too much emphasis was being placed on purely academic issues which were of interest only to the researcher. This assessment was shared by other observers of this program. My support of this measure today is based on the evidence that most of our operating institutes, as disclosed by the testimony of their directors before our committee, are fully mindful of the need to concentrate their resources on the practical issues now limiting the effective and efficient use of our water resources.

It is clear from our record, and what we otherwise know, that water resource development is becoming more complex and difficult. It is more complex in the technical sense as supplies are exhausted and environmental matters become more a part of our consideration. It is more complex in a political sense as more and more of our people and their leaders project the notion that water resource development is the cause of rather than the solution to our problems. Water resource development is more difficult in the economic and financial sense as competition increases for investment capital. Indeed, there is no shortage of problems needing enlightened research if we are to keep pace with the water needs of a growing population and an expanding economy.

The question, Mr. Speaker, is how much money can be afforded at this time for this purpose. This bill, H.R. 10203, increases the annual allotment program from $100,000 to $250,000 for each institute. This, on its face, looks like a very large percentage increase. I agree, and such a large increase would not often be justifiable all in one step. I believe, however, that the circumstances justify this increase at the present time. They are: First, this is only an authorization bill and the administration need not request nor the Congress appropriate the full amount each and every year; second, inflation and purchasing power of the dollar has eroded since 1964 to the degree that about one-half of the increase is required just to keep the programs at the original level; and third, in the last 7 years entire new areas of activity, notably environmental considerations, have opened up and require research emphasis. In addition, the institutes have developed procedures and have matured into responsible and effective organizations better able to make effective use of their funds. This fact became evident from our hearings and, perhaps more than any other single factor, commends the legislation to me at this time.

Mr. Speaker, I would now like to say a few words about the new institutes that will be authorized by H.R. 10203. They are, of course, for the territories of the Virgin Islands and Guam and for the District of Columbia. Superficially one might think that these jurisdictions are too small and institutionally immature to warrant the same level of consideration under this program as is afforded to the various States. Granted, they are small, this does not make their water resource development and consequent economic problems any less important to the residents of these jurisdictions and the resolution of these problems any less critical to the well-being of the communities themselves. Each of the jurisdictions receiving authorization for a new institute has problems that are unique to it. The District of Columbia is the only jurisdiction in the Nation that is totally urbanized, while the territories are the only jurisdictions, save the State of Hawaii, that occupy an oceanic environment with its peculiar resource characteristics and problems. What this really means is that these localities must perform their own research since it is not plausible to expect some other jurisdiction to be concerned with problems which it does not share.

The bill, as reported, recognizes, however, that newly created institutes do not become instantly mature and administratively coherent. For this reason, authorization of funding in the early years has been curtailed appropriately.

Finally, Mr. Speaker, I would like to say a word about the suggestion that an institute be authorized for American Samoa. The committee did not go along with this suggestion out of the belief that the institution of higher learning on American Samoa is simply not yet ready to assume the responsibility of managing a water resources research institute. This can come along at a later, more appropriate time and I believe that the people of American Samoa will be understanding of this position.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 10203, a bill amending the Water Resources Research Act of 1964.

This bill fulfills the needs of the 51 water resources research institutes established in the 50 States and Puerto Rico, pursuant to the Water Resources Research Act of 1964 for additional funds for annual grants, simplification of fiscal aspects of their programs, changes in accounting procedures, and simplification of methods by which the institutes can acquire excess Federal property used by them in this work. The bill also fulfills the needs of the District of Columbia and the Virgin Islands and Guam for the establishment of research facilities for water related problems by adding those three areas to the list of States and territories authorized to receive grants under the act for water resources research.

Additional annual funding is needed by our land-grant colleges eligible under the law in each of the 50 States and Puerto Rico to conduct new research into water-related problems and to continue research on projects already underway. As we all have been experiencing, the purchasing power of the dollar has been declining recently. When you "pay your money and take your choice," the available choices are fewer and fewer. When we allow our choices to be limited in the field of water resources research, we may be limiting the future availability of one of our necessary elements for survival—necessary water of a quality and quantity suitable to support life as we know it and want it to become in this great Nation of ours. We cannot afford to penny-pinch in this area of endeavor. Additionally, increased funding authorizations will assist institutes in disseminating the results of their research to others and will allow greater participation by others in individual institute programs.

This bill adds the Virgin Islands, the District of Columbia, and Guam to the list of those States and territories authorized to receive annual grants to establish water resources research institutes. Each of those areas has at least one land-grant college that would, under the Water Resources Research Act of 1964, be eligible to receive annual grants to study and attempt to solve water-related problems peculiar to each locale. The colleges that would be eligible to receive grants under this program in

each of the new areas are, however, relatively new and small and would not initially be able to utilize the full amount of grant funds efficiently and effectively for conducting the types of water resources research authorized by the act. For that reason, this bill authorizes funds for those institutions at lower initial levels rising to the levels of other State institutes by fiscal year 1975.

This bill retains the cooperative Federal-State concept and nature of water resources research grants under section 100 of the law and improves that relationship by providing for simplification of State programs and project proposal budgets and providing for reduced recordkeeping. Presently, the State institutes are required to segregate program costs to insure that Federal funds are not used for program costs chargeable to State institutes such as employee benefit costs and overhead costs. The bill would do away with that requirement so long as total annual costs chargeable to State institutes were paid by them. Also, State institutes could change this annual reporting requirement from a calendar year basis to a fiscal year basis to coincide with fiscal year program authorization practices.

This bill also authorizes the Department of the Interior to transfer to State institutes the title to equipment acquired thereby simplifying recordkeeping.

I strongly urge the passage of this bill. It will greatly assist us in meeting our future water needs.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 10203, a bill amending the Water Resources Research Act of 1964, to increase the authorization for water research institutes, and for other purposes, and I urge its passage.

The purpose of the bill is to increase the amounts authorized to be appropriated annually to the 51 institutes established pursuant to the Water Resources Research Act of 1964, and to authorize water resources research institutes in the District of Columbia and the territories of the Virgin Islands and Guam.

Three programs were established under the 1964 act, which authorized the establishment of water resources research institutes at our land grant colleges in each of the 50 States and Puerto Rico. Those programs are: an annual allotment program to each water resources research institute; a matching grant program to those institutes to meet the necessary expenses of specific research projects, including multi-institute project planning and coordination; and a nonmatching grant program to persons, firms, institutions and other entities who undertake research of water problems related to the mission of the Department of the Interior which the Secretary might deem desirable and which are not otherwise being studied.

This bill would increase the amount of allotment authorized to be appropriated under the first of those programs to each eligible water resources research institute from $100,000 to $250,000. The increase is needed for many reasons, not the least of which are increased costs of doing business since the institutes were authorized, and increases associated with inflationary factors. Increased emphasis on environmental problems has resulted in more water resources research. The need to increase information dissemination capabilities of institutes so that others will benefit from the results of research requires additional funding. More important though is the fact that the institutes have matured since their inception; they have become better organized and more sophisticated in their problem-solving approach resulting in an increased capability to produce feasible programs.

The District of Columbia and the territories of the Virgin Islands and Guam each have land-grant colleges that would, under this bill, be eligible for research and training programs. In fact, the District of Columbia has two such institutions that would qualify. They are the Federal City College and the Washington Technical Institute. The District and each territory have water-related resource problems requiring research unique to each locality and they have the prerequisites necessary to qualify as recipients under the act. Timely resolution of their water resources related problems demands that a research capability be created in each jurisdiction and that adequate funding be provided. Amendment of the act to include those jurisdictions fulfills that need.

An important aspect of the increased funding authorized by this bill is the limitation on funding for the new institutes authorized for the District of Columbia, Guam, and the Virgin Islands. Funding for those institutes is not to exceed one-half of full funding for existing institutes the first year and 80 percent for the second year. The reason for the limitation is that newly created institutes require time within which to organize and become operationally effective and cannot, initially, at least, be expected to need as much funding as fully operational institutes.

In order to increase the effectiveness of research programs of the several research institutes, language has been included in the bill to require that programs funded through allotment grants be created in consultation with State or jurisdictional water resource officials. It is hoped that this requirement will increase results by adding an additional measure of practical direction to research undertaken by these institutions.

The bill also includes amendments to the act to simplify accounting procedures, required bookkeeping systems, and reporting procedures.

In sum, this bill modernizes and expands the Water Resources Research Act of 1964 with a view toward meeting the increased challenges and opportunities for scientific research and training in attempting to insure that this Nation will always have sufficient water of quality to meet its needs.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to my colleague from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Speaker, as a cosponsor of this bill in this Congress and as a coauthor thereof along with the distinguished gentleman from Pennsylvania (Mr. SAYLOR) in the previous Congress, I rise in strong support of the bill.

Mr. Speaker, it is a privilege to associate myself with the gentleman from California and his able colleagues from the Committee on Interior and Insular Affairs who have given such close attentiton to these amendments and to the work of the Water Research institutes throughout the country. These Institutes in every State and Puerto Rico—and soon, I hope, in the District of Columbia, the Virgin Islands, and Guam—are the "data-banks" for many of our present and planned water-pollution control programs. By working to develop environmental planning and management techniques for the water resources of their own areas, they are providing much of the research inventory which will insure the success of future water-pollution control programs. As can be seen by the frequent contributions of representatives and associates of the Water Research Institutes to our own hearings and studies, these institutes are also providing the expertise and talent to man environmental management programs of the future.

As the gentleman from California has explained, this is a modest effort by the standards of most other environmental control programs; yet the seed money which has previously been authorized for the Water Research Institutes has often precipitated a considerable multiplier effect, as successful Water Research Act grants attract as much as 100 times their cost in outside public and private supplemental support. It is to be hoped that, by raising the annual authorization for these institutes to $250,000, their work can have an evcn larger multiplier effect.

I have urged for some time that the authorization for these research centers be raised to $250,000, both because of the competence and aggressiveness which they have demonstrated during their last 7 years of investigating and planning for water resources problems, and also because of the large potential which presently exists during this age of environmental awareness—and action—for more sophisticated and comprehensive research and planning activities for the conservation and utilization of water resources.

Through the reporting requirements which they initiate, the amendments befor you guarantee that this money will be used productively and efficiently. They further insure that work undertaken by the Water Research Institutes will directly benefit State planning needs and goals through coordination and consultation with State planning officials.

The new amendments will also facilitate a wider distribution of the output of the Research Institutes, so that their findings can be quickly available to all interested parties for study and implementation.

By enacting these amendments, we will give the 51 Water Research Institutes a vote of confidence and a man-

date to apply themselves even more vigorously to the huge task of assuring clean and plentiful water resources for the future.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the legislation which I have introduced. I am pleased to say this legislation has been recommended for enactment by the Subcommittee on Irrigation and Reclamation, which I have the honor to chair, and by the House Committee on Interior and Insular Affairs, chaired by the distinguished gentleman from Colorado (Mr. ASPINALL).

In 1964, the Congress enacted the Water Resources Research Act, recognizing that a great deal of research would be needed to provide the basic information with which we could mount a coordinated and intelligent attack on the many water resources problems which this Nation faces, including control of pollution and providing an adequate supply of potable water to serve our Nation's homes, industries, and farms. This act sought to establish a Federal-State partnership for encouraging such research work through establishing water resource research institutes in each of the land-grant colleges throughout the Nation. Fifty-one such water resources research institutions, including the University of California, were established pursuant to the basic 1964 legislation, and are now operating with the help of Federal funds.

As the chairman of the Irrigation and Reclamation Subcommittee, I have made it a point to monitor these programs very carefully. I can say that they have functioned with increasing effectiveness and they are making significant contributions to the solution of the water resource related problems in the many fields and disciplines involved in water resource management. Let me take my own State of California, for an example, and outline some of the accomplishments that have been made through the encouragement and stimulation provided through the Office of Water Resources Research funding.

Within the University of California system we have an interdisciplinary research program conducted throughout the more than 30 departments, schools, and institutes on the nine campuses. California established in 1957, before the enactment of the act, a water resources center with Federal funding. This center has expanded its research development, information dissemination, and other activities to a substantially greater level. These activities have been overseen by a coordinating board of 14 members representing the various disciplines and campuses of the University of California and by an advisory council of 24 distinguished citizens. Under this guidance, the State water resources center program, augmented with State funds, has employed some 351 people, including some of the finest local scientists and technicians in the field, to conduct a variety of programs.

These programs include the development of a computer model to determine water flows for the most effective utilization of various conveyance systems; construction of a model showing gross trade interdependencies among western States in relation to water dependent industries; employment of computer technology for the prediction of the rate of salinization of the ground water in the various State of California water basins; development of a system of analysis to determine the public acceptability of the mineral taste in domestic water, this to be used in chemical design and treatment of urban water systems; discovery of measures to decrease the severity of flood flows and sediment production on flood-damaged soils; development of a system of seasonal rainfall forecasting for California and the western region—I am sure there is not one among us who could not imagine the economic impact of long-range weather and rainfall forecasting—finally the discovery of new ways to reduce evaporation and thereby add to the conservation of our water resources.

These achievements, all of which are of national significance, have been attained at a total cost to the Federal Government of $2,270,000 during the entire period that this program has been in operation in the State of California.

It is necessary that consideration be given to increasing the amount of Federal support annually to the various universities throughout the Nation who are participating in this program. This increase is justified by the inroads inflation has made upon the original allocation. All of us know the impact of inflation upon our own pocketbooks during the period from 1964 until the present time. In the water resource research field it is estimated that 60 to 70 percent of the increase which would be granted in this legislation is solely required because of the inflationary trend.

Additionally, however, the various institutes throughout the country have become better organized. They are more imaginative and better able to set forth justifiable programs which would warrant an increase in the level of activity. Increased emphasis on environmental problems has resulted in a need for additional water resources research. One of the related provisions of this legislation is to give statutory emphasis to the dissemination of research findings—an area in which some institutes, unfortunately, have not been as effective as they could have been. This emphasis would require additional funding, which will be provided by the increased authorizations. Finally, I would note that the work which has been accomplished to date gives us a glimpse of what can be accomplished in the future, if these research programs can be given the added stimulation which I believe this legislation would provide.

The future is especially bright in one area, which is of concern to all of us, and that is the control of water pollution. Turning again to my own State of California, I would like to note some of the areas where the additional funds would be spent if this legislation were enacted and thereby the authorizations for Federal funding were increased. The major emphasis would be given on the role of water in protecting California's ecological and environmental complex; the agricultural uses of water in the development of the State's total environment and economy would be given increased scrutiny; more consideration would be given to urban factors and needs in shaping the patterns of water use; greater development including reclamation, demineralization, recycling, and waste disposal; research on human, behavioral, and institutional aspects of water use and management would be intensified; finally the dissemination of research findings for the purpose of increasing understanding of complex water problems and achieving public acceptability and support would be improved.

With these thoughts in mind, I would like to briefly touch upon the provisions of this legislation:

Section 1 increases the annual allotment program for each of the existing Water Resource Research Institutes from $100,000 a year, which is provided at the present time, to $250,000 per year. As I indicated above the three factors of inflation, the need for better dissemination of information, and finally the requirements of increased levels of research make the higher figure much more realistic and certainly necessary.

Section 2 makes mandatory by congressional action the dissemination of information developed as a result of these federally supported research projects.

Section 3 requires better consultation among the several States and the U.S. Government in the development of research activities and programs. This will insure that funds expended through the Office of Water Resources Research will be spent on the most relevant and practical studies possible.

Section 4 simplifies the accounting procedures of the various institutes participating in the program. For example, it is permissible under the revised section to do such things as finance the expenses of the employer's social security contributions and other fringe benefits through the Federal funds, rather than setting up two separate funds for an employee—one paying his salary and the other paying his social security payments and other benefits.

Section 5 requires annual reports to the Congress on this program. This will give the Congress more effective oversight and insure that the overall program is kept in its proper perspective.

Section 6 provides that similar water resource research institutes be established in the District of Columbia and in the territories of the Virgin Island and Guam. None of these three areas are immune to the water resource problems and in each area there are requirements for specialized research.

Section 7 is a technical change in the date that the annual report from the Secretary of the Interior should be submitted to Congress, making it October 1 in lieu of the March 1 date.

Section 8 would permit the Secretary of the Interior to convey property acquired from excess personal property lists to qualified entities with or without compensation. This brings this program into line with similar type programs within the Department of the Interior.

Mr. Speaker, in conclusion, I want to say that I believe that the investment, which this Government has made in past years in the water resources research programs of the Nation and the various States, has returned to the people of this Nation great dividends in improved water resources management. I feel that the legislation which we have before us today would increase these returns substantially. Therefore, I urge my colleagues to give their full support to the enactment of H.R. 10203, a bill to amend the Water Resource Research Act of 1964 and thereby increase and improve the activities sponsored through this vital program.

Mr. McCLURE. Mr. Speaker, I rise in support of H.R. 10203, a bill which would amend the Water Resources Research Act by increasing funding authorizations for State water research institutions; authorizing additional "State" institutions; adding measures to insure research relevancy, and simplifying fiscal aspects at water resources research institutions.

FUNDING AUTHORIZATION

There is a need to increase the appropriations for annual grants to State institutes carrying out water resources research. The presently authorized Federal contribution is not adequate to support needed research and information dissemination in light of increasing water quality and water quantity problems. Although the administration recommended an increase of $100,000, the Committee on Interior and Insular Affairs, after careful consideration, chose to increase the annual Federal grant authorization to State water resources research institutes by $150,000. The additional funding will increase the opportunity for research personnel at other universities to participate in State institute programs and permit expansion of training programs at State institutes for water resource scientists and engineers.

ADDITIONAL INSTITUTES

H.R. 10203 includes authorization for water resources research institutes in three new areas: The District of Columbia, the Virgin Islands and Guam. Each has at least one land-grant college of sufficient size and sufficient water resources related problems to warrant establishment of a research institute. In keeping with past practice in funding new institutes, the grants to these newly authorized institutes are limited during the first 2 years and progressively increase to full funding in fiscal year 1975.

RESEARCH RELEVANCY

To better assure that annual State water resources research programs will contribute to the solution of nationwide water-related problems, the committee has included language in the bill that would require State institutes to include assurance satisfactory to the Secretary of the Interior that their programs were developed in close consultation and collaboration with leading water resource officials within the State.

SIMPLIFYING FISCAL ASPECTS AT STATE INSTITUTES

The State institutes currently operate under a fiscal handicap that this bill seeks to remedy. Institutes cannot, under present law, use any of their Federal annual allotment fund payments for employee fringe benefits or indirect costs resulting in cumbersome bookkeeping systems. Auditing such records is often difficult to accomplish. H.R. 10203 would eliminate this bookkeeping problem. State institutes would continue to bear the cost of such expenses, but would not be precluded from using Federal funds for supporting such costs while at the same time using non-Federal funds to support direct costs of their program.

OTHER CHANGES PROPOSED BY H.R. 10203

This bill would authorize the Secretary to make his annual report to the President and Congress on the disposition of moneys appropriated under the act and the results accomplished and expected to be accomplished through projects financed under the act on a fiscal rather than calendar year basis. Since research grants and contracts are funded on a fiscal year basis, the present reporting requirements create unnecessary reporting difficulty that this bill would eliminate. Additionally, the bill authorizes the transfer of title to equipment acquired from Federal excess property sources to State institutes, utilizing it, thus simplifying recordkeeping relating to Federal excess property acquired in furtherance of the purposes and objectives of the act.

SUMMARY

In summary, the bill provides authorization for appropriation of funds needed to continue and expand water resources research; it authorizes establishment of new institutions where they are needed and it provides for housekeeping changes designed to foster greater efficiency in the administration of the Water Resources Research Act. I urge its passage.

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 10203, because I think that any legislation designed to help clean up and protect our Nation's valuable water resources is worthwhile—no matter what the cost.

Actually, the cost envisioned in this bill is a small price to pay for the goal we are seeking. H.R. 10203 proposes to provide an additional $150,000 annually to the States, so they can conduct vital research on water resources.

Under the Water Resources Research Act of 1964, the States already receive $100,000 annually; this legislation would amend that act to provide an additional $150,000 to those States which care enough about the purity of their water to conduct the necessary research.

As demands for available water increase for recreational, industrial, and municipal needs, the States must be able to make long-range plans and decisions on how to best utilize their water resources. It is important that the States satisfy their economic and recreational needs and at the same time maintain high standards of water quality.

Intelligent choices must be made between these competing interests, but the States will not have the capability to do this unless they have sufficient funds to conduct the necessary research.

Each State has its own peculiar problems. Maryland, for instance, has used money from the existing Federal program to conduct research on such problems as thermal pollution; examining the public and private interests in the development of the Chesapeake Bay area; the impact of sewage outfalls on fish populations; the impact of effluent from various processing plants; and the effect of acid mine waters on water quality.

The cost of research has increased as much as 60 or 70 percent since the program was initiated in 1964, and inflation, which has affected every segment of the economy, is responsible for the largest portion of the increased cost. In addition to this factor, the institutes in the various States—like Maryland's Water Resources Research Center—have proved their capabilities, become better organized and produced imaginative programs which justify an increase in the level of research activity.

Mr. Speaker, I am certain that my colleagues in the House have important water research programs in the States they represent, and I am certain this important legislation will be quickly passed and enacted.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 10203, legislation to increase the authorization for water resources research institutes, and for other purposes.

This bill would increase the annual allotment program for existing water resources research institutes from $100,000 to $250,000 and authorize the establishment of such institutes in the District of Columbia and the Territories of Guam and the Virgin Islands.

The authorization figure proposed by this measure is certainly justified in view of the great importance of the research activities carried out under the 1964 act. Extension of the program to the District of Columbia and the offshore territories of Guam and the Virgin Islands is also needed.

The State of Hawaii is among those areas which have participated in the existing program, through steps to achieve conservation, development, and proper management of water resources. These activities are set forth in detail by Dr. Stephen Lau, acting director, water resources research center of the University of Hawaii, in his statement in the record of hearings conducted by the Subcommittee on Irrigation and Reclamation of the House Committee on Interior and Insular Affairs.

As Dr. Lau says, the increases proposed by this legislation are timely especially with reference to Hawaii. Our water problems are changing rapidly due to the increasing need for more water. With the expanded importance of recreational and esthetic values as well, water quality is becoming more critical at the same time that threats to water quality are elevated

by the increasing population, urbanization, and industrialization.

In view of the importance of this legislation to the State of Hawaii and other areas of our Nation, I urge adoption of H.R. 10203.

Mr. JOHNSON of California. Mr. Speaker, the chairman of the full committee explained the purpose of the bill. The bill was heard in the subcommittee and also in the full committee. There was no opposition to the bill in either the subcommittee or the full committee. Therefore, I ask that the rules be suspended and that the House pass H.R. 10203.

Mr. TALCOTT. Mr. Speaker, I support H.R. 10203, to amend the Water Resources Act of 1964.

The major purpose and overriding need for this legislation is to enable the water resources research institutes to more effectively carry on their programs.

Although this authorization may not seem large, when used in conjunction with State funds, it will go far toward enhancing the research capability relating to water resources problems of critical concern to the various States and our Nation.

In California, as in other parts of the United States, water has been and will continue to be a strategic resource in developing our economy and maintaining our environment. However, many critical problems of water supply and distribution yet need to be resolved. If we are going to deal effectively with the essential water needs, greater emphasis must be placed upon research. More investigation into methods of augmenting and protecting water supply and quality, more research on engineering, more study of the various phases of the water cycle are just a few of the fields where research is urgently needed.

The Water Resources Center in California, established in 1957, is responsible for serving all University of California campuses in developing, coordinating, and funding research programs—including the dissemination of findings and conclusions. Although the major financial support for the center is derived from the State, during recent years 20 to 25 percent of the funds have come under the authorization of the Federal Water Resources Research Act. With these appropriations, many worthwhile research projects have been undertaken by the Water Resources Center. These benefit the Nation as well as the State.

I am advised that the University of California has recently reviewed the entire research program of the Water Resources Center and with the increase in the authorization would be in position to intensify research on the role of water in protecting California's ecological and environmental complex; provide more consideration to urban factors and needs in shaping the patterns of water use; increase examination of agricultural uses of water in the development of the State's total environment and economy; give sharper focus to the options and strategies for water utilization and development, including reclamation, demineralization, recycling, and waste disposal; intensify research upon the human, behavioral, and institutional aspects of water use and management; and improve the dissemination of research findings for the purpose of increasing citizen understanding of complex water programs.

Because of the urgent need for increased water research, I urge the House to adopt H.R. 10203.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill H.R. 10203.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUIRING PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

Mr. BARING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9890) to require the protection, management, and control of wild free-roaming horses and burros on public lands, as amended.

The Clerk read as follows:

H.R. 9890

A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

SEC. 2. As used in this Act—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which need not to be fenced, and which is devoted principally but not necessarily exclusively to their welfare;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be at the minimal feasible level and shall be coordinated with the wildlife agency of the State wherein such lands are located in order to insure adequate consideration for all wildlife species which inhabit such lands, particularly endangered species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions.

(c) The Secretary may order wild free-roaming horses or burros to be destroyed in the most humane manner possible when he deems such action to be an act of mercy or when in his judgment such action is necessary to preserve and maintain the habitat in a suitable condition for continued use. No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation unless in the judgment of the Secretary such action is the only practical way to remove excess animals from the area.

(d) The remains of a deceased wild free-roaming horse or burro may be disposed in any customary manner that is not prohibited by this Act.

SEC. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other

landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a Joint Advisory Board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

SEC. 8. (a) Any person who—

(1) willfully removes or attempts to remove, except for normal and prudent husbandry needs, a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes substantial harm to, or the death of, any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild horse or burro maintained on private or leased land pursuant to section 4 of this Act, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this Act,

shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 9. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

SEC. 10. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments in the implementation and enforcement of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BARING. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I shall make, and I ask unanimous consent that the same privilege be extended to other Members of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 9890, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands administered by the Bureau of Land Management and the Forest Service.

H.R. 9890 is a clean bill which incorporates all of the amendments adopted by the Committee on Interior and Insular Affairs during the consideration of H.R. 5375 and related bills. H.R. 9890 was passed by the committee by unanimous voice vote. The broad appeal and support for the measure, as reported out by the full committee, is indicated by the 115 House Members cosponsoring the bill in addition to its author, Mr. BARING. A bill essentially similar in purpose but differing somewhat in detail was passed by the Senate on July 29, 1971. It is S. 1116.

The two amendments merely provide that the various State fish and game commissions will be consulted by the Secretary when administering the provisions of the bill, specifically with respect to the establishment of ranges and the allocation of forage.

Mr. Speaker, there is no doubt that additional protection is needed if substantial numbers of wild horses and burros are to be preserved on the public lands as a living symbol of the West. Their numbers have decreased in recent years and undoubtedly will continue to decrease unless steps are taken to reverse this trend. I think that H.R. 9890 will do this but what is even more important, from a humanitarian point of view, is that it will, if properly enforced, eliminate much of the present unnecessary brutality associated with the rounding up and shipping of these animals prior to processing for pet food. This commercial processing is now prohibited.

I am not one of that growing group of idealists that thinks that wild horses and burros should be permitted to increase without limit. As with all animals, whether domestic or wild, there must be provision for a balance between available forage and animal use. H.R. 9890 makes provision for this balancing of range capacity and use. It is also my feeling, and I think that of the committee, that all animal use, including domestic livestock, other wildlife and wild horses and burros, must be considered and where necessary their numbers reduced in order to maintain proper forage and habitat conditions. To me the maintenance of proper forage and habitat is absolutely vital for without this we will not have wild horses and burros, wildlife or domestic livestock on the public lands.

Besides providing the necessary management tools to maintain a proper balance on the public lands, H.R. 9890 authorizes, but does not require, the establishment of ranges for wild horses and burros; it provides for the elimination of old, sick, or weak animals; it establishes a nine member joint advisory board to consult with and advise the Secretary of Agriculture and Interior on wild horses and burros; it establishes a procedure under State law for one claiming ownership of a wild horse or burro; and most important of all, it sets clear penalties for anyone selling, harming, killing, or harassing wild horses and burros, and it totally prohibits the processing into commercial products any wild horse or burro.

The objective of H.R. 9890 is to provide maximum protection to these animals without intensive management. Only in this way can their wild characteristics be retained.

Mr. Speaker, I recommend enactment of H.R. 9890.

Mr. KYL. Mr. Speaker, in spite of the fact that it might seem this is a rather simple matter, it is extremely difficult legislation to write, and I believe the committee has done an excellent job in fulfilling the purpose in a fashion that can be managed.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of the legislation.

I have received numerous letters from my constituents expressing concern for the fate of the wild horses and burros which roam on public land in our Western States. I believe that this concern is clearly justified and that adequate legislation must be enacted if we are to protect these living symbols of our historic West from a cruel extinction.

Considered by some as nuisances that destroy valuable forage intended for domestic livestock and by others as an inexpensive source of meat for pet food, these rugged animals have been subjected to decades of inhumane treatment and ruthless commercial exploitation. Those that have survived the indiscriminant slaughter of the hunter have been forced by the rancher into remote and hostile environments, incapable of sustaining herds of significant number.

As a result, of the 2 million wild horses and burros that are estimated to have existed at the turn of the century, only 17,000 remain today. In most areas, their number continues to diminish.

While both the public and private attitude has been changing with regard to the value and the need to protect these animals, there are still too many examples of mistreatment and inhumane commercialization. At the present time, wild horses and burros are afforded little or no protection. They are not claimed as property of the Federal Government, nor are they classified as wild game and thus protected by State laws.

An initial attempt to provide a degree of protection for these animals was made by Congress in 1959 with the passage of the "Wild Horse Annie Act." This legislation prohibited the use of aircraft and motorized vehicles in hunting wild horses and burros. It did little, however, to curb the slaughter of these animals by other means.

A number of bills have been introduced before the 92d Congress to provide more adequate protection for the "free roaming" horse and burro. I have had the privilege or cosponsoring two such bills (H.R. 5648 and H.R. 10018). The measure before our consideration today, H.R. 9890, is similar in purpose and content to the bills which I have cosponsored. The objective of this bill is to preserve the remaining wild horses and burros by designating them as a national heritage species and by assuring that specific areas will be provided in which these animals will be free to roam.

To achieve this objective, H.R. 9890 places all free-roaming horses and burros under the jurisdiction of the Secretary of the Interior. The Secretary, with the cooperation of the Secretary of Agriculture, is directed to designate and maintain specific ranges as sanctuaries for the protection of these animals and to manage these sanctuaries in a manner designed to achieve and maintain a thriving ecological balance. The Secretary is further directed to establish a nine-member Joint Advisory Board to advise him on the care and protection of these animals.

Importantly, the bill provides that no wild horse or burro may be destroyed by anyone except agents of the Secretary of the Interior. In such instances, the destruction of old or ailing animals may occur only if it is deemed necessary by the Secretary as the only practical means of removing excess animals from an area which cannot sustain them. A fine of $2,000, imprisonment of up to 1 year, or both penalties, may be proscribed for anyone violating any of the provisions of the bill.

The plight of the wild horse and burro has become symbolic of the harsh struggle for survival which man, in the name of progress and profit, has inflicted upon wild creatures. It is, therefore, important that Congress take this opportunity to preserve these animals from the near extinction which now threatens so many species of our national wildlife.

For their untamed magnificence and for their contribution to the history of the American West, the wild horse and burro deserve much more than neglect and inhumane abuse. Without the protection provided in H.R. 9890, such treatment will invariably continue.

I strongly support H.R. 9890 and urge its prompt passage by Congress.

Mr. KYL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in mild support of H.R. 9890, a bill to require the protection, management, and control of wild, free-roaming horses and burros on public lands. I rise in mild support of this legislation only, because I recognize it as the best bill we could get out of the Committee on Interior and Insular Affairs.

Personally, I would prefer a much stronger bill than the bill H.R. 9890, reported by the Committee on Interior and Insular Affairs. This bill as reported by the committee does not go far enough in providing the protection and management contemplated in the original legislation as introduced, or the legislation recommended by the Department of the Interior.

If the original intent, purpose, and philosophy behind this legislation was to require protection, management, and control of wild, free-roaming horses and burros on the public lands, it requires doing more than we are presently doing for these animals. H.R. 9890 does nothing more than focus attention on the need for protecting wild, free-roaming horses and burros on the public lands.

In essence, H.R. 9890 as reported by the Committee on Interior and Insular Affairs maintains this status quo, by requiring that these animals be considered as an integral part of the total community life—as components of the public lands coequal with wildlife and domestic livestock. The committee in reporting its clean bill rejects the establishment of ranges for these animals to protect and control them on the basis that "reliance on ranges would defeat the purpose of the legislation by removing their wild, free-roaming character and substitute instead a zoo-like concept." As a matter of fact, the committee states—while not entirely foreclosing the establishment of ranges—it is of the opinion that the confinement of these animals to such ranges should be discouraged. The committee further maintains the status quo in the protection, management, and control of these animals by stating that these animals should be considered as an integral part of the total life community using the public lands as components of the public lands coequal with wildlife and domestic livestock. The committee also states that it is strongly of the opinion that management practices should be kept to a minimum, and, while opposing intensive management practices for wild horses and burros, they should not be considered any differently from other wildlife species.

Most important is the fact that the committee further maintains the status quo with regard to protecting these animals by failing to authorize any appropriation to provide the funds necessary to do more than is presently being done to protect, manage, and control wild, free-roaming horses and burros on the public lands.

In my opinion, H.R. 9890 as reported cannot serve the original intent, purpose, and philosophy behind this legislation as introduced and supported by the Department of the Interior unless it provides money, facilities, and authority to do more than is presently being done to protect, control, and manage these wild, free-roaming horses and burros on the public land. My efforts in committee to provide the needed authority and money by offering the administration's bill as a substitute to the provisions of H.R. 9890 was not supported on a division of seven ayes to 15 nays.

Since H.R. 9890 does serve to focus attention on the need for protecting, managing, and controlling wild, free-roaming horses and burros on the public lands, I urge my colleagues to support a suspension of the rules and the passage of H.R. 9890.

Mr. KYL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier today I objected to this legislation being considered under the call of the Consent Calendar. I discovered that although it had been listed on the Suspension Calendar it had also been placed on the Consent Calendar and amendments were to be considered. These amendments came to my hands just a few minutes before 12 today.

Only two of the original three are now to be offered. I have had a chance to examine these two. I do not believe that these amendments make such substantive changes as to warrant any delay in the passage of this measure in the House. In addition, there will be ample opportunity for consideration of differences between House and Senate versions in conference.

This measure, H.R. 9890, offers sound protection to the remaining wild, free-roaming horses and burros. It directs that these horses and burros be considered an integral part of the life community of the public lands and that they be protected and preserved in their natural habitat without undue interference or unnecessary confinement. Penalties of up to $2,000 and a year in prison would await anyone who killed or maliciously harmed a free roaming horse or burro.

Interest in the plight of the wild horses and burros remaining in the West has soared since, on the first day of this Congress, I introduced a bill for these animals' protection. The bill was lobbied for by a young man of whom I am quite proud—my son, Gregory, who is 11. The Members of this body may recall that Gregory sent a letter to each of us asking support for this bill.

That was only the start of thousands of letters and petitions that have poured in from the young readers of the national school newspaper, The Weekly Reader, and from readers of every major publication from Time magazine to the Wall Street Journal and the Christian Science Monitor. I am sure that most, perhaps all, of the Members have received letters and some of the thousands of petitions that young people have carried around for signatures.

Passage of this legislation will not make any of us younger, but it will show we "think young" and can deal with the environmental problems that so concern the young today.

Let us match the reverence for life of the young.

Let us assure that there will be horses to glimpse running wild and free for generations to come.

This legislation will, in part, fulfill our duties to our young people and to the wildlife of the world which we are

charged with protecting as well as using. This will also be a memorial to a reporter, a lady, and a horsewoman, the late Anne Christmas of the Washington Star. Her warm story on my son's interest in this legislation was reprinted throughout the United States and inspired the continuing media interest in the bill.

Mr. Speaker, I strongly urge passage of this important measure as a significant step in our continued efforts to restore and preserve our total environmental well being.

(Mr. CONTE, at the request of Mr. GUDE, was granted permission to extend his remarks at this point in the RECORD.)

Mr. CONTE. Mr. Speaker, I rise in support of this vitally needed measure to protect our Nation's last remaining mustangs. I was pleased to express my wholehearted support of this legislation which I cosponsored when hearings were recently held before the Committee on the Interior and Insular Affairs. As I stated these stately and rugged animals which have become synonymous with ultimate freedom in an age when the mere survival of any wild creature is constantly being jeopardized by man.

The flight of these magnificent animals was dramatically portrayed in the July 12 issue of Time magazine. As recently as 1900, millions of these descendants of the Andalusian horses brought to America by the Spanish conquistadors thrived on our Western lands. Today only 16,000 are left to subsist in arid brush country or to lanquish in pens.

The measure we are now considering would halt the extermination of these animals by making them part of the national heritage and by establishing new refuges on public lands. Only trained Government agents would be allowed to kill these horses—and then only when their number becomes excessive.

The need for this legislation is obvious. We must no longer stand idly by and permit these mustangs to disappear completely. As wild horse Annie, that eminent champion of these animals, expresses it:

To the people of America, mustangs represent the kind of freedom we were founded on.

Let us not delay in enacting H.R. 9890.

Mr. BARING. Mr. Speaker, I yield such time as he may use to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I want to rise in support of this bill and state that I think this is a very important action that the House is taking today, not for the subject matter alone, important though that is, but because it is one more act reaffirming or restoring the faith of our Nation's young people that we have a humane and concerned Government, concerned with protecting our Nation's wildlife and our national heritage.

I want to commend the committee for its excellent work and prompt action in reporting this bill out.

Mr. BARING. Mr. Speaker, I yield such time as he may use to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I would like to commend the distinguished gentleman from Nevada for an outstanding job in handling this piece of legislation and also the distinguished chairman of the full Committee on Interior and Insular Affairs, Mr. ASPINALL.

I am the author of two amendments alluded to, and by way of legislative history I would like to state that it is not my intention as the author of the two amendments in any fashion to diminish the necessary protection for the wild horses and burros provided herein. These amendments simply require consultation with State game and fish agencies in any State where the ranges for the horses are to be created and also require programs for their protection to be coordinated with the fish and wildlife agency in the State where the program will take place for the protection of native species of fish and wildlife, particularly endangered species, since this is a matter of particular concern to my subcommittee.

This is a matter of particular concern to my subcommittee.

I would like to direct a question to my good friend, the gentleman from Nevada (Mr. BARING), as to whether or not it is the intent of the bill H.R. 9890 to establish wild horse or burro ranges on lands in the national refuges?

Mr. BARING. It is not the intent of H.R. 9890 to establish wild horse or burro ranges on lands other than those lands under the jurisdiction of the Forest Service or the Bureau of Land Management. Public lands, as defined in the bill, are lands under the administration of these two agencies. As lands within a game range or a wildlife refuge, although frequently public lands, are under the administrative jurisdiction of the Bureau of Sport Fisheries and Wildlife, such lands would not be subject to the provision of H.R. 9890 for the establishment of wild horse or burro ranges.

As far as the protection of wild horses and burros is concerned, it is my opinion that they would be protected from indiscriminate slaughter, harm or conversion into commercial products when found on game ranges or refuges as they would be on other public or private lands. The bill states that all wild free-roaming horses and burros are declared to be under the jurisdiction of the Secretary for purposes of protection and management. Therefore, it is my opinion that they would receive protection when found on game ranges and refuges. However, I want to point out that this protection does not exclude proper management practices, including herd reductions where necessary.

Accordingly I feel that the Secretary could authorize herd reductions, or other management measures as necessary, on game ranges or game refuges just as he can on any other public land. I recognize that a proper balance must be maintained between forage and animal use. This bill does not prevent that but it will prevent indiscriminate slaughter of wild horses and burros and assure them of equal consideration on the public land along with other wildlife and domestic livestock.

Mr. DINGELL. I thank my good friend from Nevada for a very helpful answer.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BARING. I yield to the gentleman from Maryland.

Mr. GUDE. I would like to direct an inquiry to the gentleman from Michigan in regard to the amendments. In reading these amendments I do not believe that they in anyway constitute an attempt to give to the mustang what might be termed second-class citizenship as compared to the other animals?

Mr. DINGELL. If the gentleman from Nevada will yield further; no, I will tell the gentleman from Maryland. As I have stated earlier, very frankly, it is my purpose not to do so.

There is, as the gentleman knows, a given amount of water and forage on our public lands to be allocated between all of the species, both domestic and wildlife that use those resources. It was my intention to see to it that the State game agencies would be consulted on this so that their advice would be available to the Secretary in order to see to it that these allocable resources, the grazing resources and the water not be so distributed under this bill as to diminish the populations of native American wildlife, especially the endangered species like the California big horn, the desert big horn, the Thule elk and other species which are in dangerous peril at this time.

Mr. GUDE. Mr. Speaker, if the gentleman will yield further, therefore you have no thought of conveying the concept to the Secretary of Interior that the mustang will be a second-class animal?

Mr. DINGELL. No. I consider the public lands as a unitary holding. It may be necessary that some allocation of resources will be brought about as a result of the allocation of this bill and these amendments say that it is not our intention that it should jeopardize the species of wildlife to which I have already alluded.

Mr. GUDE. Let me say to the gentleman that in my action earlier I did not intend to insert a burr under the gentleman's saddle.

Mr. DINGELL. I have the highest regard for the gentleman from Maryland and I wish anything that passed between us earlier would not in any way affect our mutual respect of one another.

Mr. BARING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 9890, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands.

Before commenting on the provisions of the bill, I would like to give some brief background information on the present situation of wild horses and burros.

In testimony before the Committee on Interior and Insular Affairs, the Bureau of Land Management and the Forest Service told us there are an estimated 17,000-plus wild horses, mainly in Nevada, Oregon, and Washington. But of this 17,000, it is believed that about 7,500 are either branded or claimed. This leaves an estimated 9,000-10,000 unclaimed free-roaming horses. The estimate for burros was placed at about 10,000, and they are found mainly in Arizona and California.

Thus, it is perfectly clear that the

number of these animals have decreased rapidly from the estimated 2 million wild horses that roamed the western ranges in 1900 and that they are, furthermore, decreasing rapidly.

Unless quick action is taken to give these animals greater protection, they will soon be eliminated from the public domain and lost to future generations as a symbol of the west and a part of America's heritage.

For the purposes of this legislation today, I do not think it is necessary to determine the origin of these animals. Some are direct descendants of early Spanish horses, others may be true mustangs and others are undoubtedly the offspring of domestic horses straying from ranches.

However, whatever their origin and whatever their present size and appearance, they are of great emotional interest to a large segment of the American people, especially the young who look upon the wild horse as a symbol of American freedom and liberty. There is also considerable scientific interest in these animals.

At this point, I would like to mention that this is not the first attempt by Congress to give protection to these animals.

In 1959 I authored and had passed Public Law 86–234 this bill, commonly known as the "Wild Horse Annie Act," amended chapter 3 of title 18, United States Code, to prohibit the use of aircraft and motor vehicles to hunt these animals.

Although its objectives were meritorious, in actual practice, for a variety of reasons, this act was largely ineffective and did not provide the protection needed. While the use of aircraft and motorized equipment probably decreased, these horses and burros were harassed, hunted and killed by other means, and their numbers continued to decrease.

At the present time they have little or no protection. They are not wild game protected by the States. They are not on the endangered species list. They are not claimed by the Federal Government. There are still too many examples of abuse, mistreatment and commercialization of these animals. While one may well argue that it is no worse to process a wild horse or burro than a domesticated one, or even a cow, into dog and cat food, I think it is very clear that the treatment the wild ones receive in the gathering and shipping operations is very frequently much more inhumane and abusive than anything we would condone with domesticated animals.

In my opinion, these animals deserve and must have additional protection, and I feel H.R. 9890 gives that protection.

Briefly, H.R. 9890 authorizes the Secretary of the Interior and the Secretary of Agriculture to assume jurisdiction over, and afford protection to, wild horses and burros on the public lands under their respective administration. It does not require the setting aside of specific or exclusive ranges, but likewise it does not prohibit ranges if they are practical and necessary, and it certainly would not require the elimination of the present Pryor Mountain Range in Montana and Wyoming, nor would it in any way detract from the range that has been established in southern Nevada by the Interior Department in cooperation with the U.S. Air Force and the Nevada Fish and Game Commission.

The thought behind the entire proposal is to give maximum protection with minimum interference or management by the Federal agencies. I think it was the feeling of the committee members that they did not want elaborate management schemes, with visitor centers, roads and overlooks. The idea is not to create a zoo atmosphere, but to protect these animals from harm and then to leave them alone.

However, and this is very important, the bill recognizes that there must be some authority by which the Secretary can eliminate old, sick, or weak animals. That he must also have authority to prevent overpopulation and destruction of the habitat. This control is authorized, but it must be carried out in a humane manner.

I want to state most emphatically that it is not the purpose of this legislation to exempt wild horses and burros from all population control on the public lands.

We recognize that these animals may, at some time in the future, overpopulate their ranges. This situation is no different from that presented by any wild game herd or, for that matter, by domestic livestock. There must always be a proper balance between animals using the range and the available forage. Otherwise the habitat suffers and eventually the range will be destroyed.

What this legislation does do is to prevent the wholesale slaughter of wild horses and burros for the benefit of all other animals using the range.

Wild horses and burros, in my opinion, should receive the same consideration as those animals more commonly considered wildlife, such as deer, elk, desert sheep and as domestic livestock now using the public lands. Wild horses and burros alone should not be singled out for slaughter or reduction if and when reduction is required by adverse range conditions. All too often this has been the practice in the past and this is what we want to avoid by this legislation.

While we recognize that there may be, in a very few isolated areas, some competition for forage between, for example, bighorn sheep and wild burros, such competition is unusual. And where such competition does occur, it is much less direct than that between bighorn sheep and domestic sheep or with the introduced exotics such as the barbary sheep in New Mexico.

From the information I have, there is little, if any, competition between wild horses and other game species such as deer or elk. In the unlikely event there is competition, the bill clearly provides authority for appropriate management practices, including herd reductions.

A nine-member joint advisory board has been authorized to assist and consult with the two Secretaries regarding the protection and management of wild horses and burros. It is our intention and hope that this board will play an active and prominent role.

The committee recognized that one of the most difficult problems is the identification of a wild horse or burro from one that has strayed. All privately owned animals are not branded so the lack of a brand was not a complete answer. Recognizing the complexity of this problem, the bill provides that any recovery of a horse or burro, claimed by an individual, must be made under the branding and estray laws of the particular State. While this may not provide a perfect solution, it appears to be a practical approach and permits full play of State law.

In order to prevent over-management, the bill also provides that nothing in it would authorize the Secretary to relocate wild horses or burros to lands where they do not presently exist.

The heart of the bill is in section 8 which sets out the restrictions and protective measures afforded as well as the penalty for violations.

It provides that wild horses and burros may not be removed from public lands or put to private use without authorization from the Secretary. It also prohibits the killing, harming, processing into commercial products of any wild horse or burro as well as the sale of wild horses or burros maintained on private lands. The maximum penalty is a fine of $2,000 or 1 year imprisonment or both.

Mr. Speaker, I think we have a bill here that will give the necessary protection for wild horses and burros to hold their own. The bill has wide popular support and has been sponsored by 115 of my colleagues in the House.

I strongly recommend enactment of this bill, House Resolution 9890, by this body.

Mr. JOHNSON of California. Mr. Speaker, the legislation I appear today to support concerns the preservation of a symbol of the Old West. The few remaining wild horses and burros that can still be found in our Western States represent a small fraction of the herds that once roamed the countryside. Today some are protected on special preserves, but vast numbers are in danger of being captured and carted off to be made into pet food. The approximately 17,000 wild horses and 8,000 wild burros remaining in 10 Western States receive some protection from legislation passed by Congress in 1959, but today new and tougher regulations are imperative.

H.R. 9890 is a very good piece of legislation. It provides for not only the protection of wild mustangs and burros, but for their management and control as well. This bill would authorize the Secretary of the Interior to establish and maintain at least 12 ranges for these living reminders of our national heritage, and it stipulates that the ranges should be managed so as to attain and maintain a sound, natural environment. If any range becomes overpopulated and the ecological balance is threatened, provisions are made for the sale of excess animals to private citizens who wish to use them for recreational purposes. If there are still too many animals, the old and the sick animals may be killed in a humane manner.

This bill, in short, is a comprehensive piece of legislation which touches all bases and considers all parts of the prob-

lem. I respectfully urge my colleagues' support of H.R. 9890, which I have been proud to cosponsor.

Thank you.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of House Resolution 9890, a bill designed to protect wild, free roaming horses and burros on public lands.

Today, the descendants of the horses and burros, which were brought to this country by the Spanish and which played such a dramatic role in the settling of the western frontier, have little or no protection. Since they are not classified as wild game, States do not offer any protection. The Department of Interior does not recognize these animals as endangered species, thus they are not protected by Federal law.

Located primarily in California, Arizona, Nevada, Oregon, and Wyoming, there are approximately 9,000 to 10,000 unclaimed free roaming horses and approximately 10,000 burros on the public lands, and unless action is taken to give them protection, they will gradually be eliminated from the West.

This measure, House Resolution 9890, would prohibit the removal, harassment, or killing of any free roaming horse or burro that is on public lands. The penalty for violating this act is a $500 fine and/or imprisonment for not more than 6 months.

Mr. Speaker, I commend the committee for their prompt attention to this problem, and I urge my colleagues to adopt House Resolution 9890.

Mr. DAVIS of Georgia. Mr. Speaker, today we are called upon to vote on House Resolution 9890, a bill for the protection, management, and control of wild horses and burros on public lands. Few times in my legislative career have I received on any issue correspondence which is more heartfelt and sincere. In the course of the last 2 weeks, over 80 students of West End Elementary School in Rome, Ga., have written me concerning this sorely needed legislation. These students have embarked upon an active campaign to protect the wild horses, and I have assured them of my full support. I commend these letters of my young constituents to the attention of my colleagues in the House as follows:

DEAR SIRS, (Mr. DAVIS):

Please remember horses are just like people. They are not harmful. But they are being killed for no reason at all. You know dogs don't live on horsemeat alone. "My dog doesn't even eat it." Montana and Nevada already have a refuge, so lets make it all the states. Now there are less than 17,000. Now without a law to protect them someday there won't be any. So please make a law against the killing of the Mustangs. The article says in 10 years there will be no more at all left, lets make that a long time from now!! Please sir, I am concerned about the lives of these Mustangs. So please make a law against killing these horses.

Thank you very much,

LORI L. (LUNCEFORD),
Just became Age: 12.

Mr. DAVIS:

I am a horse lover. I have a horse. They are to beautiful to kill. Pet food can be of something else. I will not stand for it.

FRANK TANT.

DEAR MR. DAVIS:

I think it is cruel to catch the mustangs and kill them to make dogfood. Will you try to stop them from killing them because I like horses and I think the dogs should go and hunt for their food. Like cats do.

Sincerely,

SCOTT SMITH.

MR. DAVIS:

I'm writing to save the mustang. I think its dumb to kill something that does not hurt us. I hope you can save the mustang. I'll try my best.

Your friend,

ED BISHOP.

DEAR MR. DAVIS:

I think the slaughter of this helpless animal should be stopped. They have roamed for 50 years, now let's keep it that way. Dogfood can and should be made of something other than the lovely mustang. I protest against killing them. I think it's cruel and ought to be stopped before it's too late.

Sincerely yours,

KATHY DAKIN.

DEAR MR. DAVIS:

As Rome's representative I think you ought to support the Bill to save the wild mustangs from the mustangers and unnecessary killing. I think it's worth it.

Sincerely yours,

JOHN THOMSON.

DEAR MR. DAVIS:

I am writing you to help get a bill passed to save Mustangs. I think it is cruel the way people treat them. I would like to see this cruel treatment stopped.

Sincerely,

KATHY LEITER.

DEAR MR. DAVIS:

I protest against the slaughtering of the mustangs. If there is not a law against it there will be none for people in the future to enjoy. Two states already have made a law so lets make it 50 states. So please try to help pass a law of the slaughtering of mustangs.

P.S.—For the mustangs.

JEFF SMATHERS.

DEAR MR. DAVIS:

I am very concerned about the wild Mustangs. I think there sure should be something done.

Sincerely yours,

MARTI (MURPHY).

DEAR MR. DAVIS:

Please make a law against killing wild horses. From being killed to make glue, and dogfood. It's really a sight to see the wild horses running free. So will you please make a law against killing beautiful horses.

Sincerely,

JAN ROHNER.

DEAR MR. DAVIS:

I agree about the mustangs. We should not kill them. So that is why I wrote you.

Sincerely,

DAWN WHITMIRE.

DEAR MR. DAVIS:

I am writing this letter to help save the mustangs. I think it's very cruel how the mustangers are killing all these pretty horses just to make dogfood out of them. And I know a lot of other people think the same thing.

So I hope that you will vote *for* the Bill to be passed.

Sincerely,

DEE ANNA ELLER.

DEAR MR. DAVIS:

I want you to help save our wild mustangs. Montana and Nevada already have a law, please make it true to all of the other states.

The people of the U.S. would like to see more of these beautiful creatures running around.

These mustangs have enough trouble of their own so why kill them.

We would not like to have our mustangs slaughtered because there are not enough of them.

Yours truly,

VALERIE NAISER.

DEAR MR. DAVIS:

I am a citizen of Rome, Ga. I am a horse lover, so I want to help you save the mustangs. I will try to do everything I can to help.

Yours truly,

JODY TRIPPE.

DEAR MR. DAVIS:

At my school West End in Rome, Georgia we were talking about wild mustangs. And I would like to help to have the bill about wild mustangs signed so that no more mustangs be killed.

Sincerely,

JOY VINES.

DEAR MR. DAVIS:

I am very concerned about the mustangs and I hope you will help them. I want them to protect them.

Yours Sincerely,

KATHY HELMS.

DEAR MR. DAVIS:

I want you to help the Mustangs from kill them. Make it a law.

Your friend,

RUSS WEST.

DEAR MR. DAVIS:

I protest against the slaughter of mustangs. I bet if dogs knew they were eating horse meat they wouldn't touch it. What if mustangs killed *you* for meat how would you feel, not so good. So leave them alone and let them live in peace. Dogs can survive on regular meat. It is very cruel to kill! I wish you would *try* to make a bill against the slaughter of mustangs.

CINDY JOHNSON,
Age 11.

DEAR MR. DAVIS:

Can you support the law of killing the mustangs.

Your friend,

STEPHEN A. (AMISEN).

DEAR REP. DAVIS:

I would like you to make a Bill to save the wild horses and mustangs.

WAYDE CLYDE SHERMAN.

DEAR MR. DAVIS:

We at school want to save the mustangs. We are each writing a letter. I want to support the mustangs! We are having a campaign for the mustangs. Everybody in fifth and sixth are giving in. We are writing from West End Elm. in Rome. We can for all animals! I have loved animals all my life. But I love mustangs to! I don't like people who kill animals! We love mustangs.

Love,

ALLISON DAVIS.

DEAR MR. DAVIS:

I am writing to you because I want to save the mustangs. They reason I am doing this is because I love horses. Please save the mustangs.

DONA BARFIELD.

DEAR MR. DAVIS:

We started a campaign in our school to help save the mustangs. Will you please vote

yes? I love mustang horses. I hope you do to. We saw a picture of a mustang in Young Citizen. We want to protect the horses. Will you help?

Sincerely,

ROBBIE SMITH,

DEAR MR. DAVIS:

I would like for you to pass a law to save wild horses before they become extinct. I would appreciate it very much.

What is it like in congress and living in Washington?

Sincerely Yours,

DAVE MCGUFFEY.

DEAR MR. DAVIS:

I am concerned about the wild mustangs. Everyone ought to help them. I know that everyone don't do it. But will you help the doctor to find a way for the disease. What I am trying to say is for you to help pass a law to help them.

ROBIN TENDER.

DEAR REPRESENTATIVE DAVIS:

I am against the killing of wild horses and I want you help pass the bill to stop killing the wild horse in America's last wild horse.

Sincerely,

GREG (MCKIBBEN).

DEAR MR. DAVIS:

I think you ought to do something about these Mustangers killing the mustangs. My school, the 5th and 6th grades of West End Ele. School are starting a little campaign to to try to get that *Bill* to stop the killing of the mustangs.

TONY SMITH.

DEAR MR. DAVIS:

I am concerned very much about the mustangs. I would like for you to propose a bill for not killing any more horses. I am against horse slaughter. Thank you very much for your time.

Sincerely Yours,

SISSY ROBINSON.

DEAR REP. JOHN W. DAVIS:

I hope this letter will help the horses. We have some money to help save them. I don't know what would save them but people voting for a law, money, and hope, that is why I am sending this letter. Our school has a project on saving the horses. I think it is cruel to kill horses for dog food. I have a dog but it rarely eats dog food.

Yours truly,

TOM VAN HOFF.

DEAR MR. DAVIS:

I am for saving the mustang horses before they become extinct. I hope you can save the mustang horses.

Yours truly,

TIM LOONEY.

DEAR MR. DAVIS:

Please save the mustangs! We need them and want them! We don't want them killed or have somebody be cruel to them. My name is Dale Howell and our classroom is writing and giving some money to save the mustangs. Please vote on the law to help protect the mustangs. Others are writing and the sixth grade is writing too.

Sincerely yours,

DALE HOWELL.

P.S. *Please* help save the mustangs! They are great horses!

DEAR MR. DAVIS:

I wish that it would become a law that people must not destroy wild mustangs no more. Will you please help save our wild horses, thanks.

Sincerely yours,

RANDY BOYD.

DEAR MR. DAVIS:

I am very concerned about the mustangs. I love horses and I sure do want to save them. I would appreciate if you would please try to save them.

Sincerely yours,

Miss KATHY BABCOCK.

DEAR MR. DAVIS:

Thier ought to be a law against killing horses. I want to protect horses. I want you to support the law. I like horses. I think it's crule to kill wild horses.

Sincerely yours,

HERMIONE ANDREWS.

DEAR MR. DAVIS:

Please help support the law agains* killing wild horses and mustangs, and making them into dog food or other things.

Yours sincerely,

LORI TERHUNE.

DEAR MR. DAVIS:

I am against killing wild horses and making dog food out of horses. Please help pass a law so the horses won't become extinct and the dog won't have indigestion.

JOHN RUSSELL.

DEAR MR. DAVIS:

I would like for you to make a law so nobody could kill the wild horses. They're killing the mustangs and making dog food out of them. It's so cruel to make dog food and they use so many horrible ways to kill them. Once there were 3,000,000 wild horses roaming in the U.S. Now there's only 17,000. I hope you will help me and my other friends save the wild horse before they become extinct. Protect all our horses.

Sincerely,

DEBBIE GREEN.

DEAR MR. DAVIS:

I am very concerned about the wild mustang. I know you make laws for us. But I would appreciate it if you make a law to save the mustangs. I feel this way because I think they don't have a right to kill them.

Sincerely,

CAROL WIGGINS.

DEAR MR. DAVIS:

I am concerned about the wild horses. I would appreciate if you would make a law not to kill but protect the mustangs.

Sincerely,

DAPHNE YANCEY.

DEAR MR. DAVIS:

My name is Debbie Douglas. I go to West End School in Rome Georgia. I am writing about the Mustangs. I am one of the citizens in my room that is trying to save the Mustangs from being killed.

Will you as one of the men from congress vote and help save them. They are already almost all dead and in a few years they will be extinct.

The cruel people who kill them should be punished.

Sincerely,

YOUR MUSTANG LOVER FRIEND.

DEAR REP. JOHN W. DAVIS:

I think it is cruel of the man slaughtering these beautiful mustangs just for some dogfood. I protest against the slaughtering of the mustangs and I think there should be a law against the cruel slaughtering of the mustangs. Mustangs are almost like people except they have four legs, and so we should treat them like people.

122 ECHOTA CIR., ROME, GEORGIA.

DEAR MR. DAVIS:

I hope that you can help make the law that people can not kill the wild mustangs. I hope they do not become extinct.

WAYNE PAUL.

DEAR MR. DAVIS:

I would like for you to help and vote to keep the mustang from dieing out. Because I don't like for people to kill animals because I think it is cruel.

ALAN JOHNS.

DEAR MR. DAVIS:

I read the article that was in our Newtime about the mustangs. I think somebody would have to be blood thirsty to do something like that. If they need meat for pet food they could make it out of something else. I feel that there should be a law against killing the mustangs.

Sincerely Yours,

LAURIE BYRD.

DEAR MR. DAVIS:

I think it is cruel the way the men are slaughtering the poor mustangs.

I think the mustangs have just as much of a right to live as we do, and I hope that others feel the same as I do. So PLEASE try to pass a bill to save the Mustangs.

Sincerely Yours,

BILLY TEW.

DEAR SIR:

I think that it is cruel to the Mustangs. I think there should be a law about this. I hope you can do something about this.

P.S.—Good Luck.

Thank you,

GENE ADAMS.

DEAR MR. DAVIS:

I think it's cruel to kill those horses, let them run free without being chased all the time. Dogs don't need horse meat, they can eat something else. I hope we can make a law to stop killing horses.

Sincerely,

CHUCK BURGESS.

DEAR MR. DAVIS:

I hope that you can save the Mustangs. They could be saved just if people would get involved. I hope that you get your wish to save them.

Your Friend,

MATT KOETZLE.

DEAR MR. DAVIS:

I protest of slaughtering of the Mustangs in our country. Two have the law. Why not make it the rest of them?

All the dogs and all of the other pets do not need horse meat. The horses don't need to be killed.

Please do something to back up the bill. It would help the whole country.

Sincerely,

PAIGE SKIDMORE.

DEAR MR. DAVIS:

We elected you to make laws. I would appreciate you to try to help make a law to protect the mustangs. I don't want the horses destroyed! Please help them!!

Sincerely yours,

LYNNE LUNCEFORD.

DEAR MR. DAVIS:

I'm a real horse lover and I hope we can save the mustangs. I read about you in Young Citizens and I hope enough people can vote to save the mustangs. I have ridden a few horses and I know more about them that way. I sent some money to help save the mustangs. I will try to do everything I can do to help save them. I have other friends that want them to be saved. I am very concerned about these horses.

Sincerely,

LEIGH ANN SPEARS.

DEAR MR. DAVIS:

I am against slaughtering wild mustangs. They can make a dog some other dogfood and I protest against it. I think 50 states

should have a law against it. Who wants Mustang dogfood anyway?

So please have a law against slaughtering Mustangs.

Thank you,

LYNN GLOVER.

DEAR SIRS: I have heard about the horses being killed. Please save the lives of these horses. I think mustangs should be protected by law. All of my friends feel this way too. I urge you to do this. God made horses to be alive, not dead.

Sincerely Yours,

SANDRA LIND.

DEAR MR. DAVIS: I think that killing mustangs for dog food is cruel. My dog is just a puppy and we feed him Puppy Chow. Not a bit of Puppy Chow is horse meat. I wish everyone would quit buying dog food made of horse meat.

Try your hardest to pass a law to stop them from killing the mustangs. Mustangs are beautiful and I don't see why they have to be killed.

Your friend,

STEVE KIDNEY.

DEAR MR. DAVIS: My name is Pat Baker and I attend West End School in Rome, Ga. I ask you please to vote in Congress to pass a law to save America's last wild horses, the Mustangs. By passing this law we can stop this inhuman killing of these Mustangs. I have a horse of my very own. I and just about everybody else love horses very much and we want to save every one.

Sincerely,

PAT BAKER.

DEAR MR. DAVIS: I think it is cruel the way they are killing the horses. I hope that you will vote for passing the law. Our class is getting up some money to help support the law. It isn't worth it for the mustangers to kill these beautiful horses. Citizens all over should vote for this good cause. I know that you will help protect the mustangs.

Sincerely,

SUSAN SUGGS.

DEAR SIRS: My name is Kay Hardy. I'm 11 years old. I live in Rome. I am in the sixth grade. I go to West End School.

We started studying about the Mustangs in Social Studies class. My Social Studies teacher is named Mrs. Payne. I think the mustang is a beautiful horse. I don't think people should kill the horses and use them for pet food. They can keep them for pets but not for pet food. I ask if there can be put a stop to people killing the horses. If so will you please stop them.

Sincerely,

KAY (HARDY).

DEAR MR. DAVIS: Please send a bill for torturing wild horses in Texas or Wyoming or where ever they roam. Thank you.

Sincerely,

KIM BIGGERS.

DEAR MR. DAVIS:

I feel there ought to be a law against killing horses for dogfood. Why not get another type food? If we keep killing them we wont have any left! I feel your the only one that can save them. There's a law against it in Montana and Nevada. Why not in all the states? Why don't *you* do something? I know you can that's why I believe in you! P.S. Lets make it all the states.

Thank you for reading my letter.

LESLIE WALKER.

DEAR SIR:

I am writing to ask you to please save the mustangs because they will soon become extinct. I am glad you took time to listen to my opinion.

Sincerely Yours,

JULIE FOX.

DEAR MR. DAVIS:

We have elected you to make our laws, and I want you to please see that the law is taken care of to save the wild horses. If you would send me something about the mustangs, because I want to learn about them, I would appreciate it. My address is: 107 Echota Circle, Rome, Ga. Thank you.

Sincerely,

SCOTT BAUGHTMAN.

DEAR MR. DAVIS:

I do not think killing horses for dog food is such a good thing. Do you? I sure don't! I think the mustangs should not kill the horses. Will you please vote for the protection of wild horses. *Please!!* And put in a vote for me TOO! O.K.

Sincerely,

LEE ANNE BLANTON.

DEAR MR. DAVIS:

I am concerned about the mustangs. I would like for you to help pass a law to help save the mustangs before they become extinct. Thank you.

Sincerely yours,

PAM SWANN.

DEAR MR. DAVIS:

I am very concerned about the mustangs. I hope you will help pass the law to protect these animals before they become extinct.

Sincerely,

RODNEY TURNER.

DEAR MR. DAVIS:

I am concerned about the mustangs and the other horses. I wish you would pass the law of saving the horse before they come extinct.

Sincerely yours,

ERIC SHEALY.

DEAR, MR. DAVIS:

I wish you would help pass the law to keep the mustang horses. Because people have been being so cruel to them. So would you please vote to protect and support the horses. It ought to be worth it.

Sincerely,

NATALIE DUKE.

P.S.—Write Back Please.

DEAR MR. DAVIS:

I think there should be a law against capturing wild mustangs and shooting them or letting them starve to death. Kansas and Nevada have laws prohibiting the killing of mustangs. But we need it in all the United States of America. Some people capture these mustangs for their carcus, which they will take to a dog food factory and sell it to them to make dog food out of. I think this is mean, and cruel to treat animals that way. Because I wouldn't want somebody to treat me like that.

Some kill mustangs to obtain horse meat. Others take it to the dog food factory to make money. I think this might could be stopped if everybody will pitch in and do their share of helping to save mustangs.

Mustangs are also becoming rare, because people want them for food and a lot of other reasons. Mustangs are very wild animals to have if you have a pasture to keep them in and a lot of good green grass for them to graze on and feed on.

I wish more people would write letters and maybe we will save them after all.

Sincerely,

KIM BEVIS.

DEAR MR. DAVIS:

I am against the killing of wild horses. I wish you would pass the law of not killing wild horses.

REGINA (REYNOLDS).

P.S.—Please.

DEAR MR. DAVIS:

I think we should have a good law against all of our Mustangs being killed. It is not worth it to kill time by killing all of the countrys Natural resources. We should stop making our animals extinct.

Yours truly,

LOU LINDSAY.

DEAR MR. DAVIS:

I am against the cruel killing of wild horses. Please help pass a law to protect them.

JEFF CASTLEBERR.

DEAR REP:

Could you pass a law saying that people have to stop killing horses to feed the dogs. The killing of these beautiful mustangs is uncalled for. You can feed dogs something other than horse meat.

DAVID PAUL.

DEAR MR. DAVIS:

Please help the mustang live. I think it is cruel to kill them for dog food. There are other dog foods.

JEAN MCDOWELL.

DEAR SIRS:

My mother laughed at the idea of the mustangs. She said, "Nuts." But me I am very concerned about the Mustangs.

Sincerely,

DAVID H. (HICKS).

DEAR MR. DAVIS:

Would you please sign the law to protest the wild mustangs. I am concerned about them. They are being extinct.

Please sign

Yours sincerely,

JODY GONZALES.

DEAR MR. DAVIS:

I wish you could help support the law of killing wild horses.

Signed,

JEFF STATON.

DEAR MR. DAVIS:

Please sign the bill against wild horses being tortured in places wherever they are.

Please help support the bill.

Thank you,

ALLEN BASS.

DEAR MR. DAVIS:

I am concerned about the killing off of the wild mustang!

If they kill them all off now for people to enjoy in the future.

I think horses should not be slaughtered just for dog food. Dogs can live *without* horse meat!

Sincerely,

BETH B.

DEAR SIR:

I am writing in concern for the mustangs. It is very cruel to kill these beautiful horses. To slaughter the horses should be a federal offense! I hope that all the people will protest against the slaughter of these beautiful creatures.

Sincerely,

BERT CLARK.

HELLO, MR. DAVIS:

I'm a concerned person about the killing of the mustangs for dog food? Dogs eat all kinds of food, I should know—I have a

French poodle. And I think they can do without horse meat. So please try to stop the killing of mustangs.

Concerned,

CRYSTAL BLALOCK.

REP. JOHN DAVIS:

I think it is mean to kill the beautiful mustang horses. I think they can make something else for animal food. Help pass a law that these horses may not be killed any more. These animals should stay alive.

SEVEN HILLS PLACE, ROME, GEORGIA.

DEAR MR. DAVIS:

I am concerned about the slaughtering of these beautiful animals. I like animals is the reason I'm concerned. I think it's cruel to kill them. Mustangs should not be killed for food. They will become extinct.

GARY AMMONS.

DEAR SIRS:

I am concerned about the mustangs. I believe it is cruel the way they are treated. I hope that all of us can help them.

Sincerely,

ZAC ALLEN.

DEAR MR. DAVIS:

I am writing to protest the slaughtering of the Mustangs. It seems to me there are other kinds of food for pets. Two states have already passed a bill against it, why not all of the states. So please help try to pass a bill to protect the Mustangs.

CHIP RIDDLE.

DEAR MR. DAVIS:

I am writing because I want a bill past to take care of the Mustangs. I love horses and I can't stand when they are mistreated. I think some people are cruel to these Mustangs. They are very few left. But I think we should take care of these beautiful horses. There are other animals which are being slaughtered. I have wrote letters about these helpless animals, also. I am just a concerned person who feels that all of the Mustangs should be taken care of and right away.

Sincerely,

CRYSTAL SEYMOUR.

DEAR MR. DAVIS:

I protest against the slaughtering of the mustangs. I think there should be a law against this, there is a law against this in Montana and Nevada lets make it true for this state. I think they can make dog food out of something else besides the mustangs.

Sincerely,

JACK LEAHEY.

DEAR MR. DAVIS:

I think that you should pass a law to not kill wild horses, in the places they live.

Wild animals should be able to live, because once they are all gone, you can't bring them back.

Sincerely,

LISA BRYANT.

Mr. RYAN. Mr. Speaker, I strongly support H.R. 9890—of which I am a cosponsor—and which would provide much needed protection, management and control of wild, free-roaming horses and burros on public lands. As a member of the Committee on Interior and Insular Affairs, I have been very concerned about the threat to our wild horses, and the need for protective legislation.

Once there were large herds of wild horses roaming the Western prairies from the Mexican border to Canada. Descended from horses that escaped from early Spanish explorers, these mustangs played an important role in the history of our Nation.

At the turn of the century, some 2 million wild horses freely roamed the Western grasslands. Yet, the Department of Interior has estimated that today only some 17,000 remain, scattered throughout 11 Western States. Of this 17,000 about 7,500 are either branded or claimed, leaving less than 10,000 unclaimed free roaming horses on public lands. And their number is rapidly decreasing.

At the present time there is virtually no protection of our wild horses and burros. They are not on the Interior Department's endangered species list. They are not claimed by the Federal Government. And they are not classified as wild game and so protected by State laws. Thus, they are often hunted for sport or slaughtered for pet food. Unless meaningful action is taken to protect them, the remaining wild horses will gradually be eliminated and lost as living reminders of our great Western heritage.

The Congress has sought to give protection to these animals in the past. In 1959 the "Wild Horse Annie Act" (Public Law 86–243) was enacted into law. It prohibited the use of aircraft and motor vehicles to hunt wild horses on public lands. Although the objective of this act was laudable, it has been, in fact, largely ineffective. Rather than shooting wild horses from planes, hunters now stampede the herds until the animals drop from exhaustion. As a result of this rapaciousness they are fast disappearing.

I believe that it is essential for Congress to insure the protection of wild free roaming horses and burros which indeed are symbols of our Nation's history. The legislation before us today—legislation I have cosponsored—would afford that protection and insure that wild free roaming horses and burros be considered as an integral part of the natural system of the public lands.

The fact that this legislation is now before Congress is in large part due to the dedicated efforts of Hope Ryder, whose eloquent and convincing book, "America's Last Wild Horses," has done so much to alert the public to the perils faced by our wild horses. And I want to take this opportunity, on behalf of all of those who share my concern as to the fate of these splendid animals, to thank her for her endeavors.

Mr. BROOMFIELD. Mr. Speaker, as a sponsor of this legislation which serves to protect wild horses and burros from extermination, I stand today to endorse the passage of H.R. 9890.

At the turn of the century, over a million wild horses roamed the West, living proof of the vitality and free spirit of our heritage. Now numbering less than 20,000, it is clear that without Federal regulations for their protection they will soon disappear from the American scene forever. Two major forces have threatened the future of these animals; progress, that catchall which so often excuses the loss of things which are simple and beautiful, and commercial exploitation. While we all welcome progress and the luxuries that it has provided, I must wonder what benefit we receive from the extinction of these wild mustangs. Frankly, I can think of none.

Yet, I am also aware that they are being slaughtered for commercial purposes. Considered too wild and unfit for breeding their only monetary value lies in the rendering of their carcasses for pet food, fertilizer, and glue. But, if present kill rates continue, soon no wild horses will remain. Those interests engaged in the exploitation of these animals have conclusively demonstrated through large-scale roundups and killings that they have no concern for their protection. Surely if these animals were of real economic value, these interests would seek regulations and quotas designed to increase their numbers rather than cause their loss forever.

It is apparent, then, that a ban on the slaughter of wild horses will cause little or no economic hardship since their numbers are now too small to be of any financial consequences. Additionally, substitute sources for pet food, and other products obtained from their slaughter are easily available.

Finally, Mr. Speaker, if we have learned anything from the pollution of our lakes and streams, the fouling of our air, and the threatened extinction of so many species including the American bald eagle, it is that the quality of our environment must not be sacrificed for short-range economic goals. We can no longer afford nor allow one interest to operate without regard for our environment.

Wild horses and burros are hardly the domain of any commercial enterprise but rather as representatives of our western history and descendants of the first horses brought to the new world by the Spanish, they are a natural resource and as such belong to us all.

Mr. WOLFF. Mr. Speaker, as an original author of this legislation, I am indeed grateful for this opportunity to voice my support for H.R. 9890, to require protection, management, and control of wild free roaming horses and burros on public lands. I know that I join a large number of my colleagues in expressing the concern that strong, but at the same time ecologically sound regulations be provided for those animals.

Mr. Speaker, over the years, the men who govern this great country have been sadly negligent in protecting for future generations the various species of wildlife that make up an integral part of this Nation's history and tradition. We have stood by as the great bald eagle was brought to the edge of extinction; and only now are we beginning to erect the sorely needed barriers to protect these magnificant birds from their final demise. Likewise, we witnessed the disappearance from our ranges of the regal buffalo, once unique to the North American continent, now wiped from the earth.

We have before us today the rare opportunity to couple the principles of conservation with the ideals of our national heritage. In the remaining bands of free-roaming horses that still graze our western plains are the descendants of the stock brought to this continent by the

first Spanish settlers in the 16th and 17th centuries. Over the years, these hardy animals mixed with the horses owned by the earliest American settlers until today, there remains a conglomeration of mustangs, burros, and several varieties of wild horses.

At the present time, wild horses and burros have little or no protection under the law. Despite their scarcity, they are not classified as wildlife and thus do not enjoy the protection afforded by State laws. Neither are they considered domestic animals, and so are not covered by regulations for domestic horses. What laws do exist are often not enforced because of pressure from cattlemen and other groups who seek elimination of the animals on grounds that they are a menace to their grazing rights on Federal lands.

The number of wild horses roaming the western grasslands has been reduced from an estimated 2 million to fewer than 17,000 since the beginning of this century. This senseless decimation of the horse population has resulted from their being hunted down for sport and slaughtered for pet food, as well as from epidemics of disease and starvation in the 1920's and 1940's.

I was pleased to note that the committee, in reporting a final bill, included an important provision requiring that "No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation * * *" Thus, we will insure that no unnecessary harrassment or destruction of these animals will take place, so long as there is available land to sustain a herd. Likewise, this will insure that no longer will we sacrifice this rapidly disappearing breed to commercialized interests such as the pet food industry.

I was also pleased to see that the committee bill eliminated a requirement to establish any specific number of ranges. While this was not precluded entirely, since there are already two in existence under the management of the Department of the Interior, these great animals nevertheless will be assured of their place as an integral part of the natural habitat without undue interference and without unnecessary confinement.

Mr. Speaker, I cannot emphasize enough the importance of this legislation before us today. Its basic objective is that of providing protection of these animals from man. We have all too often seen how easy it is for man to disturb the careful balance of nature and in doing so destroy one by one the precious parts of our sustaining environment. This legislation is not just a safeguard for one particular species of animal. Rather, in declaring our concern for the preservation of life in its natural state, we will insure that much more the continuation of the natural life cycle, and man's rightful place within it. Hundreds of thousands of concerned citizens have spoken out in recognition of the need to protect and preserve these animals. Of my own constituency, I have received innumerable pleas to act swiftly before it is too late.

We have today the rare opportunity to insure a legacy for future generations of Americans. A legacy of history, of the matchless pioneer spirit that built the West, and a legacy of environmental concern. Our colleagues in the Senate have already passed this bill with overwhelming approval. We should unquestionably do the same.

Mr. RODINO. Mr. Speaker, I am delighted to have this opportunity to speak in support of the bill before us, H.R. 9890, to provide for the protection, management and control of wild free roaming horses and burros on public lands.

It has been a privilege to join as a cosponsor of this long overdue and essential legislation to protect the wild horse, which J. Frank Dobie has described as "the most beautiful, the most spirited and the most inspiring creature ever to print foot on the grasses of America."

I want to commend our committee for the thorough consideration it gave to this legislation and the accomplishment of developing final provisions to assure proper protection for the wild horses and burros of our West. I was particularly pleased that the committee has emphasized that a prime objective of H.R. 9890 is to provide that wild horses and burros will be considered an integral part of the life community on our public lands. It therefore does not include provisions to establish specific ranges for them, though this is not precluded, and emphasizes protection rather than intensive management. This is most important if they are to remain the wild and free creatures which we admire and cherish.

In 1959 I supported the legislation we passed to protect wild horses and burros by prohibiting the use of aircraft and motor vehicles to hunt them. Sadly, enforcement of this Act was ineffective and wild horses and burros continue to be harassed, hunted, and killed in brutal and cruel ways. It is thus heartening that H.R. 9890 contains strong penalty provisions for violation of any of its provisions.

Mr. Speaker, time is running out for these noble and courageous mustangs and burros. We must take immediate and effective action to halt the cruel and senseless slaughter to which they are subjected.

Testimony before the committee disclosed that there is no evidence that the wild horse displaced any other native wildlife or has destroyed his environment. In fact, as the Sierra Club stated:

> The public lands where the wild horses roam are the property of all the people. There is no justification for the destruction of a wild species to benefit a few ranchers.

Without passage of this legislation we would, as on past occasions, be guilty of contributing to the extinction of irreplaceable and beautiful animal species. Throughout the world today we face situations where the continued existence of many species of wildlife is endangered, and efforts are being made to prevent their destruction. An outstanding example is our program to try to prevent loss of our magnificent whooping crane. Hopefully, we will ultimately be successful in these efforts.

In the case of our wild horses and burros we have a positive situation where we can act to protect these living symbols of our historic pioneer spirit, the sanctity of freedom, and demonstrate our respect for all living creatures. I strongly urge approval of H.R. 9890 to assure that our wild horses and burros will continue to flourish and lend esthetic value to our Nation.

Mr. BOLAND. Mr. Speaker, I rise in support of this bill to protect the American West's wild horses and burros.

The need for such legislation is plain—indeed, so obvious it hardly warrants mention here.

An estimated 2 million wild horses roamed free on the Western plains a half century ago. Today a mere 10,000 survive. And the number of wild burros, once teeming throughout the Western States, has been equally depleted.

These animals, a significant part of the American West's storied heritage, are being hunted down savagely and ruthlessly—often for "sport," still more often for their commercial value as dog food.

Wild horses and burros may face extinction within a few years unless the Congress acts.

The bill now before us—H.R. 9890—answers this need for action in an honest and straightforward way. It directs the Interior and Agriculture Departments to protect what few wild horses and burros remain on the West's public lands, calling for the establishment of specific ranges when conditions call for them.

The bill, moreover, directs the Departments to appoint a joint advisory board—nine members, all experts—to advise on the management and protection of wild horses and burros. Anyone who hunts or rounds up these animals on public lands will be liable to a stiff criminal penalty—a $2,000 fine or a year in jail.

I am one of the original cosponsors of this legislation, Mr. Speaker, and I am only too aware of the pressing need for its enactment into law.

I urge its passage today.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 9890, an urgently needed measure which would provide for the protection, management, and control of wild free-roaming horses and burros on public lands.

Earlier this session, I joined with over 120 of my colleagues in introducing legislation to protect these animals that are on the verge of extinction. The great need for this type of action is evident—at the turn of the century there were an estimated 2 million wild, free-roaming horses; today, the Bureau of Land Management and the Forest Service have estimated there are approximately 9,500 free-roaming horses on public lands. For us to delay action on this legislation would spell certain disaster for these animals that are living symbols of the pioneer spirit of the West.

This issue has generated a great deal of mail from concerned citizens who recognize the fact that only definitive congressional action can save these animals. I have received hundreds of letters from constituents, many of them young schoolchildren, who are most anxious to see this important part of our national heritage preserved. And I think that we have

a responsibility to our young people, and to future generations, to insure the survival of the wild horse and burro.

I therefore urge all of you to vote in favor of H.R. 9890.

Mr. HOGAN. Mr. Speaker, as a lover and owner of horses—including two ponies which were born wild on Assateague Island—I was particularly impressed when the plight of the wild mustangs came to national attention. I was pleased to cosponsor legislation introduced by my colleague from Maryland (Mr. GUDE) to protect these animals.

The free roaming horses and burros that struggle for survival in the remote, wild mountains and deserts of our Western States are, without a doubt, one of our most cherished symbols of freedom, Mr. Speaker. Like so many other aspects of our freedom-loving American way of life, these wild horses and burros are in danger of being exterminated out of existence.

For this reason, I was pleased that the Subcommittee on Public Lands of the House Interior and Insular Affairs Committee recognized the urgency of this legislation and scheduled early hearings. I am pleased to be a sponsor of House Resolution 10015, a bill identical of House Resolution 9890 which we are considering today.

This bill recognizes that the few remaining wild horses and burros are an important part of our national heritage. It would require the Secretary of Interior to control, manage and protect them on public lands. The Secretary would also be authorized to establish special ranges for these endangered animals. The bill further provides that the Secretary would be authorized to enter into cooperative agreements with landowners and certain agencies and to appoint an advisory board to share in the management planning.

Under the bill, a fine of $2,000 and/or imprisonment for 1 year could be imposed for molesting, capturing, or using these animals in any commercial product. The penalties for these and other actions may seem rather stiff, but if we are to stop the abuse, neglect, inhumane treatment, and occasional outright torture that the wild free roaming horses have been subjected to in the past, I feel that strong measures are needed.

At one time great herds of wild horses thrived on the Western plains alongside the buffalo. But like the buffalo the wild horse could not withstand the increasing pressure brought on by the settlement of the West. Something had to give. As usual, it was the native Indian, the buffalo, the timber wolf, and wild horses who were crowded out.

About the turn of the century the Indian ponies and wild mustangs could be numbered in the millions. Today there are less than 17,000 left, and these are mostly in the rugged parts of Nevada and Wyoming.

It is my impression, Mr. Speaker, that the protections in this bill would also apply to the wild ponies on the Assateague National Seashore on the eastern coast of my own State of Maryland. Tradition indicates these wild ponies swam ashore hundreds of years ago from Spanish galleons and have subsisted on the scrub grass growing on Assateague Island. The volunteer fire department at Chincoteague, Va., has been the caretaker of the ponies and rounds them up every year, feeds them, gives them veterinary attention and in other ways helps to preserve these beautiful animals. As I mentioned earlier, I personally own two of these Assateague ponies and they are marvelous, intelligent companions which give my family and me a great deal of pleasure.

During the course of the hearings on this legislation, I expressed my concern over a particular provision in the original legislation which would have provided a penalty for anyone who allows a domestic horse or burro to run with the wild ones. I am pleased, Mr. Speaker, that the committee has eliminated this provision from the legislation before us. I was concerned because on Assateague Island Arab stallions have been turned loose to mate with the wild mares in order to strengthen the breed of the Assateague ponies. Had the penalty provision been included in the final form of this legislation, this essentially laudable practice in the case of the Assateague ponies might have been unlawful.

Mr. Speaker, I am proud to be counted among those who are willing to make the effort to save and protect the free roaming horses and burros as a symbol of the pioneer spirit and the love of freedom that built this great land of ours. Like the famous Western writer, J. Frank Dobie, I, too, feel that the wild horse is "The most beautiful, the most spirited, and the most inspiring creature ever to print the grasses of America."

Mr. Speaker, our colleagues in the other body approved similar legislation on June 29 of this year, I urge my colleagues to meet this challenge favorably and speedily.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Nevada that the House suspend the rules and pass the bill H.R. 9890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. BARING. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1116

An act to require the protection, management, and control of wild free-roaming horses and burros on public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That it is the sense of the Congress, consistent with section 101(b)(4) of the National Environmental Policy Act (Public Law 91-190), that wild free-roaming horses and burrows are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; that these horses and burros are fast disappearing from the American scene; that it is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or unlawful death as a national heritage species, and as a national esthetic resource; and that to accomplish these ends they are to be considered an integral part of the national ecological system of the public lands.

SEC. 2. As used in this Act, (a) "Secretary" shall mean the Secretary of the Interior, with the cooperation of and in conjunction with the Secretary of Agriculture when lands under his jurisdiction are involved or where it may be necessary to use veterinarians or other personnel of the Department of Agriculture; (b) "wild free-roaming horses and burros" refer to all unbranded and unclaimed horses and burros on public lands of the United States.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands and in addition shall designate, establish, and maintain specified ranges on public lands for the protection and preservation of existing bands of wild free-roaming horses and burros. The Secretary shall manage wild free-roaming horses and burros in such a way as to achieve and maintain a thriving, natural, and ecological balance among fauna and flora; such balance shall be determined by qualified scientists in the field of biology and ecology, some of whom are independent of both Federal and State agencies and may include members of the Advisory Board established in section 6 of this Act; *Provided, however,* That such management activities shall be at as minimal a level as feasible. (b) Where a habitat is found to be overpopulated, the Secretary, in consultation with his Advisory Board, may order destroyed in as humane a manner as possible, old, sick, or lame animals, and then if need be, may remove by capture and offer for private maintenance under humane treatment and care, additional horses and burros determined to be in excess provided that such animals shall not be used in rodeos or for monetary gain. (c) Nothing in this Act shall preclude the Secretary from ordering destroyed in as humane a manner as possible a wild free-roaming horse or burro when such action is considered an act of mercy.

SEC. 4. If wild free-roaming horses or burros wander from the public lands onto privately owned land or land leased from the Government, the owners or lessees of such land may inform the nearest Federal marshal or agent of the Secretary, who, in turn, shall arrange to have the animals promptly removed. In no event shall the wild free-roaming horses and burros under the jurisdiction of the Secretary be destroyed except by the agents of the Secretary. However, nothing in this section shall be construed as a prohibition against individuals maintaining wild free-roaming horses or burros on their private lands, or lands leased from the Government so long as these animals are being protected pursuant to the purposes of this Act. Any individuals who maintain such wild free-roaming horses or burros on their private lands shall notify the appropriate agent of the Secretary and supply him with a reason-

able approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recovery only to the extent provided by the branding and estray laws of the State in which it is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary is authorized and directed to appoint an advisory board of not more than nine members to advise on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall be reimbursed at a rate not to exceed $50 per diem for expenses in addition to actual travel expenses when engaged in the actual performance of duties vested in the board.

SEC. 8. (a) Any person who knowingly does, or attempts to do, any of the following, without authority, shall be guilty of a crime and punished by a fine of not more than $2,000 or imprisoned for not more than one year, or both:

(i) willfully removing of a wild free-roaming horse or burro, protected by this Act, from the public domain;

(ii) converting a wild free-roaming horse or burro to a private use;

(iii) maliciously causing the death of any wild free-roaming horse or burro or harassing it; and

(iv) processing or permitting the processing of a wild free-roaming horse or burro or its remains into commercial products.

(b) Any person otherwise violating the provisions of this Act, or the rules and regulations adopted pursuant hereto, shall be subject to a civil penalty, to be assessed by the Secretary, of not more than $1,000 for each such violation. No such penalty shall be assessed unless the person has been given notice and an opportunity for a hearing with respect to such violation. Any such penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed pursuant to this subsection the Secretary shall refer the matter to the Attorney General who shall institute, or have instituted, an appropriate civil action to collect such penalty in the United States district courts which shall have original jurisdiction to hear and decide such actions.

(c) Nothing in this section shall preclude the recovery of actual damages and costs, nor shall this Act preclude customary disposal of the remaining of deceased wild free-roaming horses and burros, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

SEC. 9. Any designated employee of the Department of the Interior or Department of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 10. The Secretary is authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that he may deem necessary in order to carry out the provisions of this Act.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 12. Nothing in this bill shall be construed to give the Secretary power to relocate wild free-roaming horses or burros to areas of the public lands where wild free-roaming horses or burros do not presently exist.

SEC. 13. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and a reasonable approximation of the number of wild free-roaming horses and burros under his jurisdiction, together with such recommendations for legislative or other actions as he might deem appropriate.

AMENDMENT OFFERED BY MR. BARING

Mr. BARING. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARING: Strike out all after the enacting clause of S. 1116 and insert in lieu thereof the provisions of H.R. 9890, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9890) was laid on the table.

ESTABLISHING THE ARCHES NATIONAL PARK IN UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7136) to establish the Arches National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 7136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered RPSSC–138–20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3 Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided,* That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)). his recommendations as the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $125,000 for the acquisition of lands and interests in lands and not to exceed $1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such

time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the bill now before the House (H.R. 7136) by our Utah colleagues (Mr. McKAY and Mr. LLOYD) provides for the revision of the boundaries of the Arches National Monument and for its redesignation as a national park. It is the first of three similar measures involving park areas in the State of Utah.

As everyone will recall, I am sure, on January 20, 1969, by the stroke of a pen, the President of the United States substantially enlarged several national monuments in different parts of the country under the authority of a 1906 act. One of the areas involved was the Arches National Monument in the State of Utah which was expanded from about 34,000 acres to nearly 84,000 acres.

Many of us objected to that unilateral Presidential action then, and many of us still oppose massive changes of this type without any opportunity for congressional review and public participation in the decisionmaking process. Regardless of the merits of including a particular area in the National Park System, it would be impossible to conclude that emergency action was required. These lands have been there for thousands of years. Man has not seriously altered them since this Nation was founded; and, I believe they would have survived long enough to be given the usual public consideration afforded by the legislative process.

But our job today is not to debate whether or not that decision should have been made. We are here to recognize an existing fact and to determine whether or not this area merits national park recognition.

Shortly after the announcement of the Presidential proclamation some members of the Committee on Interior and Insular Affairs visited the area now involved in H.R. 7136. Hearings were held in Moab, Utah, and numerous witnesses presented their views. Later in the 91st Congress, and again this year, additional public hearings were held in Washington. As a result of these meetings, the committee has developed its recommendations for presentation to the House.

The area involved in H.R. 7136 is located in eastern Utah. It contains, perhaps, the largest collection of natural arches in the country. In addition, the area abounds in other unusual features carved in the colorful Entrada sandstone by the winds and waters over the ages.

If H.R. 7136 is enacted, the new Arches National Park would total 73,234 acres of land. It was the view of the members of the committee that this scenic area certainly merits national park designation. In making its recommendation, the committee included all of the areas which it deemed essential to the park objective.

This addition to the National Park System, Mr. Speaker, will not involve a massive expenditure for land acquisition, since practically all of the lands are federally owned. It is expected that about $125,000 will be needed if all of the private inholdings are ultimately purchased. In addition, the cost of the long-term development of public facilities at this park are estimated to be $1,031,800. If this legislation is approved, we will give statutory recognition to the enlarged area and, therefore, make it possible for the Appropriations Committees to consider them along with the other outdoor recreation needs of the Nation.

Mr. Speaker, that very briefly explains the legislation now before the House. The committee has reviewed it carefully and we are recommending that the bill be amended to bring it into conformity with the general policies applicable to other national park areas. These recommended changes will be discussed more fully by the gentleman from North Carolina (Mr. TAYLOR).

As chairman of the Committee on Interior and Insular Affairs, I urge the approval of H.R. 7136, as amended.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Arches National Monument was established by Presidential proclamation in 1929. Since then its boundaries have been revised on three occasions.

This bill, H.R. 7136, redesignates the Arches National Monument as a national park.

Although H.R. 7136 reduces the acreage of the park to 73,234 acres, it should be pointed out to the Members that some additional land has been added, as well as acreage taken out. However, the area that has been added does not require the acquisition of any privately owned land.

There is some privately owned land within the park boundaries; however, these lands are also within the boundaries of the National Monument.

Your committee, as its chairman has stated, has placed a ceiling on future acquisitions within the park of $125,000 and $1,311,800 for development.

As a result of hearings which were held in Utah on this park proposal, numerous questions were raised regarding the rights to use areas for grazing purposes.

Your committee decided that this legislation should conform to the Canyonlands National Park Act.

It also provided that it would be possible for cattlemen and sheep grazers to use certain trails within the park, but that such trails would be regulated by the Secretary.

Mr. Speaker, this is a good bill and I recommend its passage.

Mr. TAYLOR. Mr. Speaker, the House now has before it the first of three proposals involving existing units of the National Park System in the State of Utah. In considering these measures, the Subcommittee on National Parks and Recreation and the full Committee on Interior and Insular Affairs attempted to bring all three areas into general conformity, to the extent possible.

The bill which we are now considering is H.R. 7136 by Representatives McKAY and LLOYD. It provides that the Arches National Monument will be redesignated as a national park and it adjusts the boundaries to include those areas deemed essential to the park.

During our deliberations on this legislation, the committee considered and approved several important changes. I would like to explain them briefly:

First. We recommended that the boundary lines for the park area be perfected in accordance with the recommendations of the Department of the Interior and the Director of the National Park Service. This modest change in the bill will result in a slight reduction—about 160 acres—in the size of the park. The park area included under the terms of the bill—73,234 acres—is smaller than the enlarged National Monument—82,953 acres—but it is substantially larger than the monument as it existed at the beginning of 1969—34,010 acres—before being enlarged by Presidential proclamation.

Second. The committee recommends that the bill be amended with respect to continued grazing within the park. We recognize that the immediate termination of grazing rights could result in substantial hardships to the individuals involved unless this activity is phased out gradually. For this reason, the committee adopted the formula approved by the Congress in the Canyonlands National Park Act when it confronted a comparable situation. It would allow leasees and permittees one extension. This, we understand, would phase out grazing in the reasonably forseeable future without seriously jeopardizing any existing operator. Similarly, the committee recommends that the bill provide for the reasonable regulation of driveways used for the trailing cattle and/or sheep through the park.

Third. The committee recommends that the bill be amended to provide for a study of the area under the terms of the Wilderness Act and to provide for a study of proposed road alinements in and adjacent to the park.

Fourth. Mr. Speaker, the committee has written into H.R. 7136, the usual provision limiting the amounts authorized to be appropriated for future land acquisition in, and development of, this area. It is not expected that these costs will exceed $125,000 for land acquisition and $1,031,800 for development.

Finally, some amendments recommended would delete unnecessary language in the bill which repeats existing general authority.

Mr. Speaker, the committee has considered this legislation carefully. We feel that this area is worthy of the recognition which H.R. 7136 would grant. It is an outstanding scenic area containing some 90 known natural arches and many, many other interesting and unusual formations sculptured by the forces of nature.

I am pleased to have this opportunity to recommend the enactment of H.R. 7136, as amended.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, I rise in support of H.R. 7137, to expand Canyonlands National Park; and H.R. 7136 and H.R. 8213 to redesignate the Arches and Capitol Reef National Monuments as national parks.

All three of these areas lie in the spectacularly scenic red rock country of southeastern Utah. The redesignation of Arches and Capitol Reef will give the State of Utah a total of five national parks.

This legislation has been a point of controversy in my State in recent years since President Johnson, in one of his last official acts before leaving office in 1969, expanded by proclamation both the Arches and Capitol Reef National Monuments.

The bills before the House do not represent an ideal solution to all residents of Utah, and reasonable people will disagree on specific provisions and acreage. However, they do, in my opinion, represent the desire of the overwhelming majority of those who have taken a personal interest in the legislation.

Briefly, the bills accomplish the following:

Arches National Monument will be redesignated as a national park, and reduced from its present size of nearly 83,000 acres to slightly over 73,140 acres, for a net reduction of some 9,660 acres.

Capitol Reef National Monument will also be redesignated as a national park, and will be reduced in size by more than 12,500 acres from the present monument boundaries, for a total park area of 241,671 acres.

Canyonlands, an existing national park created by Congress in 1964, will be expanded by 79,618 acres, for a total park area of 337,258 acres.

Mr. Speaker, as I stated previously, there has been strong opposition in the past to tying up more land under a single use designation in a State which is already nearly three-fourths owned and controlled by the Federal Government. I fully understand and sympathize with those who remain in opposition to this bill, whose roots are deep in this land being converted to national use. Rather than seeing an expansion and protection in the national interest of natural wonders, they see land which they know and respect being removed from multiple use and resources which they feel could be expanded for the benefit of mankind now locked out from what they consider to be appropriate and productive use.

However, I believe that the widespread support for the park boundaries is clear evidence to the fact that the great majority of Utahans have at last come to a consensus of what is realistically possible, and I see no overriding reason now to further delay the proper setting of boundaries so that we can concentrate on the proper expenditure of development funds to make these areas of maximum benefit and enjoyment of present and future generations.

We in Utah are extremely proud of our natural wonders, and feel as keenly as anyone the need to give them full protection.

I would like to address at this point in the record some specific recommendations of the Committee of Interior and Insular Affairs. While I do not fully agree with every provision of the legislation, I believe that it represents a compromise achieved through fair and objective examination of the issues consistent with national objectives on preservation of the national park system.

With respect to grazing privileges, present permitholders in Arches and Capitol Reef are entitled to one 10-year renewal of their permits by the bills before us. This differs from the 25-year phaseout period in the original bills sponsored by myself and my colleague, the Honorable GUNN MCKAY of Utah. I would hope that conference with the other body, that the 25-year phaseout will prevail.

Within the proposed Capitol Reef National Park bill, there is language relative to the granting of easements and rights-of-way across the proposed park. The bill requires the Secretary of the Interior to grant use permits for necessary utility rights-of-way if he finds that they would be compatible with the park and would not significantly affect the park in an adverse way.

This language is clearly intended to be positive in its declaration. It is intended to authorize the Secretary to act to permit the easement under prescribed conditions, not as authority to encourage unnecessary lock-up of essential services. Capitol Reef, as expanded, runs approximately 70 miles north and south through the south central part of the State. Present and future energy needs require that easements be granted for utility lines to wheel power from the southwest corner of the State to the northeast. If the easements are denied, it will have a crippling effect on the development of the State of Utah and its power service to meet growing needs. It is my personal desire that the Secretary recognize how vitally important this is to the public need.

A significant provision added by the committee deals with the study of road alinements in all three park proposals. Parks are for people to enjoy, and the lack of proper access has long been a problem in this southern Utah area. I do not feel the parks should be locked up for the benefit of only a few with the stamina and time to backpack into the vast, remote reaches of the three park areas. Proper roads, consistent with the preservation of the natural beauty, should be provided so that the experience may be enjoyed by all. Local governments, who are often most affected by decisions regarding roads in this area, will be consulted and allowed to participate in the decisionmaking under the requirements of this bill.

The committee report makes reference to discussions on these bills concerning an Advisory Commission to consult with the Secretary in formulating plans for the park areas of southern Utah. Where so many units of the national park system are located in the same area, local residents should be given more consideration on decisions which adversely affect their lives. I strongly urge that the Park Service make every effort to allow local representatives to participate in all decisionmaking processes which affect them.

For the record, I submit the following descriptions of each park area and a summary of the boundary proposals contained in the legislation:

CANYONLANDS NATIONAL PARK

Canyonlands National Park was added to the park system by an act of Congress in 1964, and presently consists of 257,640 acres. The bill before the House today would revise the boundaries by adding four new tracts totaling 79,618 acres, for a total new park area of 337,258 acres.

Canyonlands, located in the southeast corner of Utah, encompasses an area of fantastic canyons, domes, and stone spires carved out from the red sandstone by 300 million years of the forces of nature.

The 1 mile thick accumulation of rock and sand sits on a 3,000 foot thick base of pure salt deposited by an ancient sea trapped millions of years ago. Through evaporation the sea became increasingly briny, and the salt layers formed out of this brine. Over the ages this salt has been buried by the debris of sand, stone, and worn-down mountains. As the salt bed shifts, the sandstone layers above crack, curve, bulge, and collapse into eerie and surrealistic shapes.

The most powerful force in the carving of Canyonlands has been the mighty Colorado River, which has cut intricate canyons and gorges, some over 1,400 feet deep. At the heart of Canyonlands, is the confluence of the Green and the Colorado Rivers, which merge to form one of the wildest and most scenic rivers on the continent.

At the time Canyonlands was created, it was recognized that there were additional areas adjacent to the original park boundaries which were deserving of national park status. These areas are added by the bill before us today, and include:

Horseshoe Canyon: This would be a detached unit of 3,178 acres located 7 miles west of the northwest corner of the park. All of the lands are presently under Federal ownership, and are managed by the Bureau of Land Management. This area includes a scenic portion of the canyon itself, and several groups of ancient Indian pictographs which merit protection by the Park Service.

The Maze: This area consists of 47,313 acres located west of the Colorado River below its junction with the Green River. It includes brightly colored, intricately eroded geologic features known as the Maze, the Land of Standing Rocks, and Ernie's Country. The area includes 4,478 acres of land owned by the State of Utah, which will be acquired by exchange. The remaining land area is federally owned.

The North Side: This is a 17,175-acre area running along the north boundary of the present park. It includes the head of scenic Taylor Canyon, portions of Shafer Canyon and the White Rim. This addition will permit the development of overlooks at Taylor and Shafer Canyons. This tract includes 1,603 acres of State-owned land to be acquired by exchange.

Lavendar Canyon: This area to be

added to the park includes 11,952 acres adjoining the southeast corner of the present park. It contains the upper portion of Lavendar Canyon and a section of Upper Salt Creek Canyon, both highly scenic areas with prehistoric Indian ruins and natural arches. The State owns 1,278 acres of land in this area, and 80 acres are in private ownership. It is expected that acquisition of these private lands will cost approximately $16,000.

Mr. Speaker, I believe these areas are worthy of inclusion in our national park system for the protection of future generations.

The committee made some changes in the bill which should be noted here. Many of the amendments were merely perfecting ones, but three new sections are recommended as substantive additions to the bill.

The first new section directs the Secretary of the Interior to make a study of areas to determine the suitability or nonsuitability of wilderness designation within the park. The second directs the Secretary, in consultation with appropriate public agencies including the State and local governments, to conduct a study of proposed road alinements within and adjacent to the park. This is a most important amendment, in my opinion, and I am hopeful that the study will produce recommendations for adequate access to open up this scenic country to all the people. A third new section limits the amounts authorized to be appropriated for development of the park. It has been noted that most of the land involved here is already under Federal ownership, and the State-owned lands will be acquired by exchange. Most of the costs are associated with development of public facilities, and the committee bill limits the amount for this development to $5,102,000, which represents the estimate of the Park Service for funds needed for this purpose.

Grazing in the area will be phased out over a 10-year period. There are 10 existing grazing permits on the Federal lands to be added to the park.

Mr. Speaker, I support H.R. 7137 and urge its passage by the House of Representatives.

ARCHES NATIONAL PARK

The bill H.R. 7136 will create the Arches National Park at the present site of Arches National Monument. The Arches National Monument, consisting of 34,009 acres was established in April of 1929. On January 20, 1969, President Johnson issued an executive proclamation expanding the area of Arches National Monument to 82,953 acres. The impact of H.R. 7136 will be to reduce the acreage within Arches by 9,660 acres, to a total of 73,140 acres.

In 1970 a total of 178,500 persons visited Arches National Monument. The elevation of Arches to a National Park will greatly increase the attractiveness of the area to tourists. The creation of this park will serve as a boost to Utah's $175,000,000 tourist industry.

Arches lies on the north side of the Colorado River gorge near the city of Moab, Utah. Within the confines of Arches, one finds the greatest concentration of natural stone arches, windows, spires and pinnacles in any known area of the United States. To date, approximately 90 arches have been discovered. It is likely that more of these spectacular features will be discovered as the more remote sections of the park are explored.

The National Park Service is currently administering Arches National Monument and will continue to oversee Arches National Park. Present developments within Arches are quite limited. There are no facilities for food or lodging within Arches. However, these amenities are available in nearby Moab. The Park Service maintains a visitors center at the entrance to Arches. The only other developed facility in Arches is a modern campground located in the area of Devils Garden. In addition to these developments, the Park Service maintains a series of trails, and conducts hiking tours into the Fiery Furnace section of Arches. There now exists a total of 69.42 miles of developed and undeveloped roadways, within Arches.

The flora and fauna of Arches are typical of most of the desert-like regions of the Southwest. Deer, coyotes, and foxes are the most common large mammals found in the area. Other animals include ground squirrels, Kangaroo rats, rabbits and reptiles. The vegetation of the area is limited by the constraints of a desert climate. However, the valley areas, especially Salt Valley, are often carpeted with wildflowers.

It is the spectacular geology of this area which makes Arches worthy of National Park status. The inspiring geologic features of the Arches area are formed in the deep red masses of the Entrada sandstone. The Entrada formation was laid down 150 million years ago during the Jurassic Period when this part of the Southwest was a vast coastal desert. The Entrada layer is about 300 feet thick. Since being deposited by the unremitting winds of a prehistoric age, the Entrada formation has been uplifted and fractured numerous times. Once the Entrada sandstone reached the surface, the intricate processes of weathering began. Moisture began seeping into the formation, dissolving the natural cementation of the rock. Wind and running water then carried away the loose particles of sand. As this process continued, the cracks in the rock began to widen, narrow canyons separated by sandstone fins were formed. The ongoing weathering processes relentlessly cut away the lower walls of these fins. Eventually this natural quarrying process pierced the rock fins, creating first small window formations, and finally the dramatic arches found in the area today.

Many of the important geologic features of Arches can be seen from the roadway and parking areas. Such structures as the Three Gossips, Sheep Rock, the Tower of Babel, the Organ, Courthouse Canyon, and the Windows Section can be viewed in this casual manner. In order to best appreciate the spectacular geologic sculpture of Arches, the vistor will want to spend time walking the trail system maintained by the National Park Service.

The Windows section, located in the east-central portion of Arches is the area most accessible to the hiker. The Windows section contains eight large arches, as well as many passageways, coves, pinnacles, spires and balanced rocks. Within this area the hiker will find Double Arch, Parade of Elephants, Cove of the Caves, North and South Windows and the Balanced Rock is an outstanding feature, consisting of a boulder estimated to weigh 3,577 tons perched atop a radically tapered pinnacle.

The second area of importance is the Devils Garden. The major features of Devils Garden are the Skyline Arch, Broken Arch, Tunnel Arch, Pine Tree Arch, Landscape Arch, Partition Arch, Double O Arch and Dark Angel. The Landscape Arch is the most important of these features. This arch is 291 feet long. It is believed to be the world's longest natural-stone span. Landscape Arch is also of special interest because it was used as a winter campsite by prehistoric Indian tribes. The Fiery Furnace is also located in the Devils Garden. Unlike the other parts of Devils Garden, however, this section is so rugged that much of it remains unexplored. Fiery Furnace derives its name from the striking impact created by the setting sun reflecting off the nearly vertical sandstone walls.

The third portion of arches which should be mentioned is the Courthouse Towers area in the southwestern sector of arches. The highlights of this area are Park Avenue, Sheep Rock, the Three Gossips, the Tower of Babel and the Organ. The most impressive single feature is Park Avenue, a narrow stone corridor lined by towering pinnacles which have been richly stained by deep red desert varnish.

There is a fourth area of arches which is both easily reachable and of geologic significance. This is the portion of arches known as Klondike Bluffs. The Klondike Bluffs area is still developing, providing an excellent opportunity to view differing rates of erosion taking place in the various layers of stone. The most imposing single structure of the Klondike Bluffs area is the Tower Arch. In addition, it should be pointed out that Klondike Bluffs is situated in Salt Valley, the site of much of the wildflower growth which occurs in arches.

The ultimate geologic spectacular of arches is the Delicate Arch. Located in the northeast portion arches, the Delicate Arch stands alone, devoid of the ridge-like fins which surround many of the other arches. The Delicate Arch is located along a trail containing other features of interest, such as a swinging suspension bridge, the Salt Wash and the Turnbow Cabin which dates back to 1906. The Delicate Arch, situated in a background which features gigantic slickrock domes, the gorge of the Colorado River and the snow-laden peaks of the La Sal Mountains, is itself worthy of national park status.

Although many of the features of arches are easily accessible to the casual hiker, parts of this area are so rugged that they can be adequately explored only through the use of four-wheel-drive vehicles. The newly added Eagle Park area fits into this category, as does the

remote Herdina Park section which contains such features as the Eye of the Whale and the Hanging Gardens. The National Park Service provides marked trails which may be used by off-road vehicles without damaging the valuable geologic features of arches.

Going beyond those areas suitable for exploration by four-wheel-drive vehicles, some portions of Arches are so rugged and unspoiled that they remain totally untouched by man.

Arches National Park will provide magnificent natural scenery which is situated and developed in such a way that its beauty can be enjoyed by a cross-section of Americans. For the casual tourist there is breathtaking scenery which can be viewed from an automobile during a visit of only a few hours. The traveler wishing to spend more time viewing the spectacle of Arches may avail himself of the fine trail system maintained by the National Park Service. Arches also caters to back-country adventurer by providing thousands of acres of unexplored wilderness. An area capable of providing pleasure to so many different groups is surely worthy of inclusion in our splendid system of national parks.

CAPITOL REEF NATIONAL PARK

This bill, H.R. 8213, will change the status of Capitol Reef National Monument elevating it to national park status and reducing its size by approximately 12,500 acres from the present 254,241 acres. The proposed park would contain 241,671 acres.

Capitol Reef National Monument was created by proclamation on August 2, 1937 and expanded, again by proclamation, on July 2, 1958, and January 20, 1969. The expansion by President Johnson in 1969 increased the size of the monument by 215,056 acres, a nearly sixfold increase.

The bill will exclude several areas annexed by the 1969 proclamation, areas generally of little scenic value and of considerable value as grazing lands. An area near the northeast corner will be added because of significant pictographs.

Within the area there are approximately 60 grazing permittees grazing some 6,000-animal-unit months. The bill will allow one 10-year renewal of a grazing permit. The use of traditional stock driveways and trails will also be allowed.

Capitol Reef is a spectacular area located in south-central Utah containing numerous cliffs, pinnacles, spires, and brilliantly colored rock layers. The Waterpocket Fold, a great doubling up of the earth's crust, is the largest and most spectacular monocline in the United States.

The area has a geologic history similar to many other parts of the Colorado River basin. It was once a low-lying region, consisting of swamps, shallow lagoons, and wide, sluggish streams, inhabited by giant reptiles and amphibians.

For millions of years, streams carried silt, sand, and mud into the swampy lowland. As the sediments were buried, they gradually hardened to become sandstone and shale.

As the Rocky Mountains began to form about 60 million years ago, the rocks of this area were buckled and folded. Water and wind removed the soft upper formations and cut deep gorges in the more resistant rock along fractures. Erosion is thus the sculptor of the innumerable towers, pinnacles, and great domes that are found in Capitol Reef today.

Reconnaissance surveys have indicated that Capitol Reef is of great geological significance. Within an area of some 90 square miles, much of the pre-Tertiary geologic history of the Colorado Plateau Province is presented for study in the rock formations. Also exceptionally well displayed are major geographic structures of Triassic and Jurassic strata and other physiographic features in many stages of development.

The region is also very attractive for archeological studies. Relics and well preserved structures of the Fremont Indian culture occupy niches of the canyon wall. Petroglyphs are common, and many skeletons in shallow graves mark the site of an unrecorded battle or epidemic in the area. The numerous artifacts in the monument collection show phases of aboriginal culture not well known elsewhere.

The prehistoric Indians known as the Fremont Basketmakers raised corn on flat ground near the streams. These Indians lived in open caves and built small stone structures for the storage of corn.

Roads in the monument lie principally upon the Moenkopi formation. This dark red or brown, ripple marked shale shows unusual erosional forms along the cliff base and contains fossil footprints of reptiles and amphibians in many places. Stranded on the Moenkopi beds are large volcanic boulders washed down from the high plateaus by melting glacial ice nearly 10,000 years ago. Above the Moenkopi is a thick exposure of Chinle shale in various colors. Above the Chinle, 600 feet of red Wingate sandstone forms the sheer, high pinnacled cliffs that dominate the landscape.

Finally as cap rock, the grey or white Navajo sandstone rests on top. Its cones, arches, and rounded domes resemble the domes of many capitol buildings.

In addition to the Waterpocket Fold, Grand Wash offers spectacular beauty high-lighted by a narrow canyon where 1,000 foot walls are only 16 feet apart. Capitol Gorge features petroglyphs estimated to be over 1,200 years old.

Throughout the park are great blind arches, "echo chambers," and natural bridges and arches. Hickman Natural Bridge is located in Capitol Gorge and Cassidy Arch is found in Fremont River Canyon.

Because of its peculiar geographic location, the Fremont River drainage was the last section of Utah to be explored and settled. In January 1854, Col. John C. Fremont and members of his expedition first viewed the Capitol Reef area from atop Thousand Lake Mountain. Perhaps the first whites to enter the area was a group of Mormons on a semimilitary expedition, under the leadership of James Andrus, who came from the south over Boulder Mountain. The first written record of entry into the area is in the form of two names, J. A. Call and Wal. Bateman, dated September 21, 1871, which were carved on a rock in Capitol Gorge.

The first geographic and geologic reconnaissance of the area was made in 1875 by Prof. A. H. Thompson, a geographer of the John Wesley Powell survey. It was Thompson who designated many of the names that are still in use today.

After the establishment of a base settlement at Salt Lake City in 1847, Brigham Young and the leadership of the Mormon Church planned to explore and settle vast regions of the intermountain area. Over 360 settlements were established from the time they arrived until 1880. Among these was Junction, at the confluence of the Fremont River and Sulphur Creek. Junction was first settled in 1880 and 20 years later the name was changed to Fruita because of the many orchards established in the area. The early settlers found so many difficulties to overcome in cultivating the tillable land that the area until recently could not support more than 8 or 10 families.

Impassable roads discouraged visitors and the area remained practically unknown to the outside world until the 1930's.

As well as the great natural beauty of the park there are historical sites that have been preserved. They represent three separate historical chapters of the area, travel, mining, and agricultural activities of the early pioneers.

The site that represents the travels of early pioneers in the area is the pioneer register in Capitol Gorge. Sections of the gorge wall are covered with the names of persons who used the gorge as a passageway through the reef. Many of the names are of relatives still living in the area.

The site representing the mining activities is Oyler Tunnel located at the head of Grand Wash along the north wall.

The agricultural activities are represented by orchards still maintained near the headquarters area. These are important because they were the mainstays of those who lived in the area.

The only historic structure is the old Fruita Schoolhouse, used from 1894 to 1941. The building has been restored to represent the 1920's period.

The climate of the region is arid, characterized by long, hot summers, and cold winters. Midsummer temperatures are in the 80- to 90-degree range, and the nights are normally cool. Spring and fall are generally mild, and from December through January it is usually cold.

The vegetation, mammals, and birds of the park are typical of the pinyon-juniper belt of the Colorado Plateau. Sagebrush, saltbrush, and squawbush form most of the shrubby ground cover. Deer, foxes, bobcats, and porcupines and other small rodents make up the bulk of the animal population. Lizards are numerous, but snakes are rarely found. Hawks, owls, ravens, and other birds are common.

Capitol Reef National Monument is under the administration of the National Park Service, U.S. Department of the Interior, under which it would remain as a national park. Campgrounds, restroom

facilities, water, and a visitor center are available to users of the park.

The remarkable natural beauty of the area, the usual and rare geologic features found in the monument recommend the monument well for consideration as a national park.

I strongly support the passing of H.R. 8213 by the House, as I feel that this area should be preserved for the enjoyment of many generations to come.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise to urge support of H.R. 7136, a bill which would designate the Arches National Monument in the State of Utah as a National Park, abolish the National Monument which was created by Presidential proclamation, revise the boundaries of the present monument and establish the park boundaries by legislative act.

The bill actually reduces the acreage of the present monument. In this instance, that is salutory because the excluded acreage, about 9,719 acres, is not needed for park purposes. In revising the boundaries of the monument, some new areas were recommended for inclusion and others for deletion. After careful review of those recommendations, the Committee on Interior and Insular Affairs included some strikingly beautiful and worthwhile lands suitable for park purposes that had been omitted when the monument was established in 1929 and later revised, again by Presidential proclamation, in 1938, 1960, and 1969. Unfortunately, an area overlooking this Colorado river known as "the Dry Mesa" is not included for the alleged reason that it is not of sufficient quality to warrant park status. I am in hopes that some time in the not too distant future, that recommendation will be reviewed and revised. None of the lands newly included within the boundaries of the proposed park are privately owned, although there are some private inholding within the present monument boundaries.

The committee has included provisions in this bill that would phase out grazing within the park area in the same manner as in other parks in the State of Utah, but has preserved for the cattle and sheep rancher the right to use traditional trailing and driveways across the park. Also, the usual provisions for a study of the entire area for possible designation of areas within the park as wilderness areas were added to the bill.

Because of the peculiar location of these lands worthy of park designation—an almost unbroken line right down the middle of the southeastern part of the State, the committee included language in the bill requiring a study of proposed road alignments within and without the park to aid in relieving possible problems concerning cross-State access. Additionally, there is language in this bill calling for local participation in park program planning and for a limitation on the amounts that may be authorized to be expended for land acquisition—125,000—and for park development—1,031,800.

The naturally carved arches, some towering 150 feet into the air, and other interesting sandstone formations contained in the area that the bill would designate as a national park are truly unique. Striking rock formations of this nature should be preserved for all to enjoy. I strongly urge the support of my colleagues for the passage of this bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill, H.R. 7136, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 30, to establish the Arches National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 30

An act to establish the Arches National Park in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered 138–91,002, and dated January 1971, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the Arches National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any deparment, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privileges shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Arches National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are auhorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 30 and insert in lieu thereof the provisions of H.R. 7136, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7136) was laid on the table.

REVISING THE BOUNDARIES OF THE CANYONLANDS NATIONAL PARK IN THE STATE OF UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7137) to revise the boundaries of the Canyonlands National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 7137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act providing for the establishment of the Canyonlands National Park (78 Stat. 934; 16 U.S.C. 271) is amended as follows:

(a) Delete section 1 and insert in lieu thereof:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map, Canyonlands National Park, Utah', numbered 164–91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

(b) In section 2—

(1) in the first sentence, delete the words "described in section 1 hereof or" which appear after the word "area";

(2) in the third sentence, insert the words "or any amendment thereto" after the word "Act"; and

(3) in the fifth sentence, insert the words "or any amendment thereto." after the word "Act".

(c) In section 3, after the word "Act" insert the words "or any amendment thereto".

(d) Add the following sections—

SEC. 6. Within three years from the date of enactment of this section, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or non-suitability of any area within the national park for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

"SEC. 7. (a) The Secretary of the Interior, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

"(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

"SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $16,000 for the acquisition of lands and not to exceed $5,102,000 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development in the areas added by this Act."

The SPEAKER pro tempore. Is a second demanded.

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation which we are now considering is H.R. 7137 by Representatives MCKAY and LLOYD. It proposes the addition of four new areas to the existing Canyonlands National Park.

Originally, it had been hoped that all three of the Utah park bills could be brought before the House in one measure, since they are all so similar in terms of the lands and problems involved. Unfortunately, due to the parliamentary situation that was not possible, because three separate Senate bills had already been approved. Since the issues are about the same in these measures, however, I believe that we can keep our presentations very brief.

As everyone knows, the Canyonlands National Park was created by the Congress in the mid-1960's. It represents some of the most interesting and colorful canyon country in the Nation. The legislation we are now considering would expand the boundaries of that park from 257,640 acres to about 337,250 acres. Of the four separate additions which it would add, three are contiguous to the park and the other one is located within 7 miles from it.

All of these additions have been reviewed and recommended by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Some members of the committee have seen these areas and the gentleman from Utah (Mr. LLOYD), who is on the committee, is familiar with this country. Everyone seems to agree that these additions would make a meaningful contribution to the park.

In making its recommendations, the committee has agreed that the lengthy metes and bounds description contained in the original act should be replaced with a reference to a boundary map—as we have done in most park proposals in recent years. The committee would also extend some of the provisions of the existing act to the areas being added by H.R. 7137.

Finally, Mr. Speaker, the committee recommends the inclusion of the usual provision limiting the amounts authorized to be appropriated for land acquisition and development. In this case, approximately 80 acres of private lands are involved and the cost of acquiring them is expected to be no more than $16,000—including all costs associated with their purchase. For development of the areas being added, the Federal investment, over the years, is expected to be $5,102,000. Naturally, these funds will be appropriated only after proper justifications are made to the Congress.

Mr. Speaker, H.R. 7137, as amended, is sound legislation and I am pleased to recommend its enactment.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. SKUBITZ. Mr. Speaker, Canyonlands National Park was established by Congress in 1964. It contains some of the most beautiful sandstone cliffs, arches, and spires to be found anywhere.

This bill, H.R. 7137, proposes that four additions be made to the park, containing a total of 79,618 acres of land:

Horseshoe Canyon, 3,178 acres: This is the only addition that is not contiguous to the present park. Its inclusion, however, is warranted because of the presence of prehistoric pictographs found in the area. All of the lands in this addition are presently in Federal ownership.

The Maze, 47,313 acres: Powerful erosive forces carved the Maze from the sandstone formations. All the land is in Federal ownership except for 4,778 acres which are owned by the State. The State lands are expected to be acquired by exchange.

The north side, 17,175 acres: this area is administratively important to the existing park and nearly all the lands are federally owned.

Lavender Canyon, 11,952 acres: the prehistoric Indian ruins in this area should be protected for all to see and enjoy. Eighty acres of private lands are included and need to be acquired. Only 1,278 acres are State lands and the remaining acreage is in Federal ownership.

H.R. 7137 accomplishes the boundary changes recommended by the National Parks Advisory Board by deleting the metes and bounds descriptions contained in present law and substituting a boundary map description which is just as definitive and easier to read.

To avoid unnecessary cross-State transportation problems caused by the number of parks located in Utah—the committee has included a provision in this bill directing the Secretary of the Interior to conduct a study of proposed road alinements.

Development is the outstanding cost feature of this park proposal, since most of the lands proposed to be added are already in Federal ownership.

The committee has limited the amounts authorized to be appropriated to $5,102,000, the figure the Department of the Interior anticipates will be needed.

Acquisition costs are limited to those necessary to acquire private lands, or $16,000.

I urge the passage of H.R. 7137 and the support of my colleagues to that end.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, my comments on the Canyonlands National Park parallel the comments that I have submitted with reference to the Arches National Park. Here again it is a consensus of the views of Utah citizens in cooperation and direct communication over many months and many years actually with members of the National Park Service. This is a wild and beautiful country of the United States. I urge my colleagues who have not been to Canyonlands National Park to see the great variety of desert, sand, stone, and standing monuments that exist there in the Southwest part of the United States where Canyonlands is located. I recommend the adoption of this legislation to my colleagues and I urge unanimous passage of the bill.

Mr. TAYLOR. Mr. Speaker, H.R. 7137, by our colleagues from Utah (Mr. MCKAY and Mr. LLOYD), authorizes the expansion of the Canyonlands National Park.

As most of the Members of the House will recall, the Congress authorized the creation of the Canyonlands National Park in 1964. At that time, we included approximately 257,640 acres of the vast Utah Canyon country in the park. All of that land was publicly owned so that, except for State lands acquired by exchange, no land acquisition costs were involved.

Like the original legislation, H.R. 7137 involves mostly federally owned lands. It proposes four separate additions to the park. Three of these areas are adjacent to the existing park and would total 76,440 acres; the other would be a detached unit comprising about 3,178 acres of land.

All of these additions have been reviewed by the Committee on Interior and Insular Affairs. One, the Horseshoe Canyon area features numerous prehistoric pictographs which are in danger of destruction. Another, called "The Maze," includes an intricately eroded area which adds a spectacular addition to the park. The third, known as "Lavender Canyon," contains significant scenic values and some historic Indian ruins. Finally, the bill would add to the north side of the parklands which are needed for administration and development.

Mr. Speaker, it is interesting to note that these important additions can be made to a park carved from the public domain without requiring a substantial outlay for land acquisition. In this case, only about 80 acres of land in these additions is privately owned.

The committee is recommending the adoption of amendments similar to those contained in the bill which the House has just considered. One of those directs the Secretary to study the area in accordance with the provisions of the Wilderness Act. Another directs the Secretary, in consultation with other public agencies, to conduct a study of the proposed road alinements in the vicinity of the park.

As usual, the committee has included in the bill a provision limiting the amounts authorized to be appropriated for land acquisition and development. It is not expected that the land acquisition costs will be significant, since only 80 acres are involved; however, the committee did limit the appropriation for this purpose to $16,000. Most of the costs associated with this legislation involve development of appropriate public facilities at the areas to be added. These costs are expected to total $5,102,000 over a period of years. All of those funds, of course, will be appropriated by the Congress only after the necessary justifications are made.

Mr. Speaker, this legislation has been carefully reviewed. It offers us an opportunity to preserve for present and future generations open areas with nationally significant values at very little cost.

It is a pleasure for me to recommend the adoption of H.R. 7137, with the committee amendments.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 7137, a bill which would revise the boundaries of the Canyonlands National Park, Utah, and add to that park four areas of singular beauty. The areas proposed to be added to the park are termed "Horseshoe Canyon," "The Maze," "The North Side," and "Lavender Canyon." Each bears a name descriptive of that which it contains. Three of the proposed additions are adjacent to the present park and one, "Horseshoe Canyon," a few miles to the west of the park. When this park was established, it was thought that sufficient lands had been included to adequately protect and preserve the natural and historic features there for generations to come to enjoy. Since that time, areas of significant beauty and historic interest not within the park boundaries have been threatened by desecration—even vandalism—and other areas logically includable have been found to be administratively feasible for inclusion. Since those areas all contain features worthy of park status, it is one purpose to include these at this time. About 79,618 acres will be added to the park by the passage of this bill. Of that total acreage, some 85,710 acres were recommended for inclusion.

This bill would amend the Canyonlands National Park Act—Public Law 88-590—by substituting a boundary map for the present metes and bounds description contained in that act. A boundary map is far easier to read and just as definitive as a metes and bounds description.

Just as the Committee on Interior and Insular Affairs did with regard to the Arches National Park bill before this body today, provisions have been included in this bill to provide for a study of proposed road alinements within the park and outside of the park with a view toward precluding transportation problems across the State of Utah.

Because most of the land to be included within the park is already in Federal ownership, the amounts that will be needed for land acquisition are not relatively great. The committee has limited the amounts authorized to be appropriated for land acquisition purposes to $16,000. Authorized appropriations for development are likewise limited, as is the usual practice of the committee, in this case to $5,102,000, which is the amount the Department of the Interior has estimated will be necessary to do the job.

The committee also recommended that the existing grazing permits on the lands to be included be phased out in accordance with the Canyonlands National Park Act and included language making it clear that Bureau of Reclamation and Federal Power Commission withdrawals within the new park areas be terminated.

This bill adds lands to the Canyonlands National Park that are worthy of park status and which will be beneficial to each visitor to that park. I urge the passage of H.R. 7137.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 7137, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 26

An act to revise the boundaries of the Canyonlands National Park in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of September 12, 1964 (78 Stat. 934), is revised to read:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands

National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map, Canyonlands National Park, Utah,' numbered 164-91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

SEC. 2. Section 2 of the Act of September 12, 1964 (78 Stat. 934) is amended as follows:

(1) delete the words "described in section 1 hereof or" which appear after the word "area" in the first sentence;

(2) insert the words "or any amendment thereto" after the word "Act" in the third sentence; and

(3) insert the words "or any amendment thereto" after the word "Act" in the fifth sentence.

SEC. 3. Section 3 of the 1964 Act is amended as follows: insert the words "or any amendment thereto" after the word "Act".

SEC. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriated and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 26 and insert in lieu thereof the provisions of H.R. 7137, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7137) was laid on the table.

ESTABLISHING THE CAPITOL REEF NATIONAL PARK IN UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8213) to establish the Capitol Reef National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 8213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interest therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158-91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area only if he finds that such easements and rights-of-way:

(1) would be compatible with the purposes of the park, and

(2) would not have significant adverse effects on the administration of the park pursuant to this Act.

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $423,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the final Utah National Park bill is H.R. 8213—a bill introduced by Congressman MCKAY which would revise the boundaries of the existing Capitol Reef National Monument and redesignate it as a national park.

Like the Arches National Monument, the Capitol Reef National Monument was expanded by presidential proclamation during the final days of the last administration. In this case, however, the unilateral executive action was even more extensive—it enlarged the monument from an area comprising less than 40,000 acres to an area exceeding 250,000 acres. Such drastic expansions should never be undertaken without an opportunity for public participation in the decisionmaking process, but in this case, apparently, time did not permit the usual thorough consideration to be given to it.

H.R. 8213 is consistent with the provisions contained in the other park bills which we have considered today. It contains a provision comparable to the grazing phaseout provision in the original Canyonlands National Park Act and it contains a livestock trailing provision comparable to that contained in the Arches legislation. With respect to this latter provision, it should be emphasized that the trailing of cattle and sheep along traditional crossings is extremely important, because this long, narrow park completely bisects two rural, southeastern Utah counties which depend to some extent on the livestock operations in that

area. In addition, there are very few places along this rocky escarpment where animals can cross from one side of this natural barrier to the other.

This bill contains one provision which will not be found in the other measures. Because this park stretches for more than 100 miles through two counties, it is very important that it not unduly interfere with needed utility rights-of-way and other essential easements. For this reason, the committee retained the provision requiring the Secretary to grant such rights-of-way. While most members of the committee felt that such a mandatory provision was appropriate in this case, they also felt that language should be included to assure the protection of the park values involved. In granting easements or rights-of-way, the Secretary is to make a finding that they are compatible with the park—that is that they are capable of existing together in harmony. No one expects the Secretary to deny needed right-of-way merely because it results in some change in the surface or causes some alteration of the scene in the immediate vicinity, but we all expect him to reasonably restrict such activities so as to minimize their adverse impact. If the park is not to be protected against severe intrusions, then many of us feel that it ought not to be elevated to national park status.

Mr. Speaker, the Capitol Reef area is an interesting area. In addition to its unusual natural and scenic values, it has important geologic values. Basically, it features a monocline which developed as the Rocky Mountains were being formed. It is called the Water Pocket Fold because numerous small water pockets catch the run-off and retain water long after all of the streams dry up in the summer heat of this arid region.

Taken together, the Arches, Capitol Reef, and Canyonlands fit together like a massive interlocking puzzle to help tell the geologic story of this part of the west. Individually and collectively they make a valuable contribution to the Nation's national park system.

As chairman of the authorizing committee, I feel that H.R. 8213, which establishes a 241,671-acre park, will accomplish the objective which we seek to achieve in this area. It can be done with a minimum investment in lands—$423,000—since most of them are already federally owned and development costs, over the years, are estimated at not more than $1,052,700.

This legislation has been given the careful attention of the Committee on Interior and Insular Affairs and, as perfected, I believe it merits the approval of the House.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Capitol Reef in southern Utah is presently a national monument—created by Presidential proclamation in 1937.

The purpose of this bill—H.R. 8213—is to redesignate the Capitol Reef National Monument as a national park.

Its present boundaries meander along section and township lines and encompass 254,241 acres of rugged rock formations.

In the bill before you today, the committee has attempted to exclude unnecessary lands and include some that are necessary for a cohesive unit of the national park system.

Under this bill the new boundaries of the park will include 241,671 instead of the present 254,241 acres.

Sheep and cattle grazing are important in southern Utah and for this reason the committee has preserved the traditional crossings through the park by cattle and sheep grazers. But the Secretary has the authority to regulate the use of the trailways.

There is one facet of this bill that is perhaps unique—as parks bills go.

Southern Utah now has three national parks and two more are under consideration today.

Each of these parks is considered worthy of addition to the park system.

Now the physical alinement of these parks within the State could create problems in power transmission and utilities across the State.

Therefore your committee has made provisions for the Secretary of the Interior to grant revocable easements if they will not significantly interfere with the park purposes.

Your committee has also included limits on the amount authorized to be appropriated for development of park facilities to $1,052,700 and $423,000 for acquisition.

I believe the bill merits your approval and I recommend its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker and Members of the House, this is the third of the three parks, of the bills which have been split off from the omnibus bill of the Senate.

This park, which is converted from a monument, is probably the most controversial, from the standpoint of the people of Utah, of any of the three, but even this represents a consensus.

The controversy exists because this park will run approximately 100 miles down the center of the State, to accommodate a great geological wonder, a monocline, which is called a Waterpocket Fold, which includes the Indian petroglyphs and pictographs, et cetera.

It is necessary—and we had considerable controversy in the committee about this—in the wheeling of power from one side of the State to another, to allow for the wheeling of power across this area.

It is significant to note, also, I endorse the comments of the gentleman from Kansas (Mr. SKUBITZ) who pointed out, as also was pointed out in the committee report, that it will be necessary for the Secretary of the Interior to give favorable consideration under appropriate circumstances, which are set out, to the essential necessity for wheeling these power leads, for the grading easement, for the wheeling of power across this Capitol Reef from one side of the State to the other side.

This and the phasing out of grazing rights, which are of great significance, of course, to our State, has led to a larger controversy among our citizens than with respect to the other parks, but nevertheless this is the will of the majority of the people. It is the will of the National Park Service and of the Interior Department. I recommend the passage of this legislation to my colleagues.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8213, a bill to establish the Capitol Reef National Park in the State of Utah.

Capitol Reef is presently a national monument, having been established by Presidential proclamation August 2, 1937, and enlarged in both 1958 and 1969, all under the Antiquities Act of 1906. The purpose of this bill is to give legislative sanction to the area, establish boundaries by legislative act, and give park status to one of the most unique waterpocket folds—a long monocline extending some 150 miles in length—in the United States. Also included in the area are unique land formations caused by the buckling and folding of the earth's crust millions of years ago that have been reworked by the weather.

A principal change this bill would work on the existing monument is to redesignate boundaries along topographic features rather than township and boundary lines as they are now. The net effect of this change will be to exclude some lands from the park that can be better used for other purposes, reducing the size of the present monument of 254,241 acres to a national park of 241,671 acres.

Since the proposed park will bisect two counties in southeastern Utah where cattle and sheep grazing are of some importance, traditional trailways and driveways are preserved for that use. Grazing will be phased out within the park in conformity with precedents for grazing phase-outs established by prior acts establishing parks in Utah.

My colleagues on the committee have or will comment on a provision of this bill of much importance to the people of Utah. That provision is to the effect that the Secretary must, if it is compatible with and will not adversely affect the park, grant revocable use permits and rights-of-way for necessary utilities transversing the State. The purpose of that provision is to give legislative direction to the authority the Secretary of the Interior already has to grant such necessary easements. It is expected that disruption of park values by the utilization of such permits will not be great and, such as they are, will be minimized.

The usual provisions calling for wilderness studies within the park and limiting acquisition and developments costs have been included by the committee.

The road alinement study provisions contained in the Arches National Park bill and the Canyonlands National Park bill before the House this afternoon have also been included in this bill for the same reasons.

I urge my colleagues' support for the passage of this bill and the establishment of the Capitol Reef National Park in the State of Utah.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the last of the three proposals involving units of the national park system in the State of Utah. This bill, H.R. 8213, by Representative McKAY would redesignate the Capitol Reef National Monument as a national park and revise the boundaries of the area so established.

Like the Arches National Monument, which we considered a few minutes ago, this area was expanded by Presidential proclamation on January 20, 1969.

Basically, this area features a long monocline stretching from southeastern Utah through two counties. Its scientific values, geologists say, are extremely significant, but it is also valuable to the visiting public as a scenic, natural area. The bill would include 241,671 acres of land in the park, if enacted.

The bill as recommended by the committee, has been brought into conformity with most of the provisions of the other park bills which we have considered today. It includes a provision to phase out grazing within the park and it provides for the designation and regulation of livestock driveways within the park. Similarly, this revised legislation includes provisions calling for the completion of studies of the entire area for possible future designation as wilderness and, like the other Utah park bills, it calls for studies to be conducted regarding road alinements in this area. Likewise the committee deleted unnecessary provisions in the bill dealing with the exchange authority and the development of the park.

The only significant difference between the provisions in this bill and those of the other bills which we have considered is subsection 5(b). That subsection requires the Secretary of the Interior to grant easements or rights-of-way within the park boundaries. In this case, because of the nature of the area involved, it is felt that a mandatory provision is reasonable. On the other hand, most members of the committee agreed that the Secretary should condition such grants upon a finding that rights-of-way would not unduly interfere with the purposes for which the park is being established. Naturally, it is recognized that any intrusion in the park will have some effect on the values which it is designed to protect, but it seemed to be the general attitude of a majority of the members of the committee that the Secretary should have some authority to control such crossings so as to minimize their impact.

Mr. Speaker, this bill also contains a provision limiting the amounts authorized to be appropriated for land acquisition and development. In this case, it is expected that the acquisition of the privately owned lands would require the appropriation of $423,000 and development of the area in future years is expected to involve an additional $1,052,700.

Mr. Speaker, the members of the committee discussed this legislation at length and concluded that it should be enacted in the form recommended. I want to take this opportunity to urge its approval by the Members of the House.

Mr. Speaker, I yield to the author of the bill, the gentleman from Utah (Mr. McKAY).

Mr. McKAY. Mr. Speaker, the three parks bill considered by the House today represent over a decade of work by a large number of distinguished Utahans. They have been painstakingly prepared after lengthy consideration of all of the interests involved. The subcommittee chaired by our distinguished colleague from North Carolina has heard extensive testimony from expert witnesses and has given these bills its usual thoughtful scrutiny and consideration. I am not going to review the testimony that developed in those hearings. It is sufficient to note that there were only a few minor differences between the proposals I initially submitted and the recommendations of the park service.

I do want to assure the House that the areas involved deserve national park status. The land contains a special kind of scenery that is wild and rugged yet fragile and majestic. It is not beautiful in a conventional sense; it does not contain sylvan hillsides, with grassy meadows and small brooks. Instead, one writer has described a portion of this area as follows:

> (It) is mostly red rock, warped and folded, and corroded and eroded in various ways, all eccentric, with a number of maroon buttes, purple mesas, blue plateaus, and gray dome shaped mountains in the far off west . . . a seared wasteland, a sinister and savage desolation . . . infinitely fascinating.

Apart from the fascination of their scenery, these areas also contain much of interest to geologists and archeologists, Capitol Reef, for instance, contains the waterpocket fold, perhaps the finest example of a monocline in the world. The new areas in canyonlands contain petroglyphs and pictographs placed there in prehistoric times. These, and many more similar features will be jeopardized if we do not act now to preserve them.

We have long believed that it is possible to preserve these natural attractions without serious damage to those who would use the lands for grazing and mineral extraction. These bills have been drafted with a view to minimizing the impact on those whose livelihood involves multiple use of these lands. In this, I believe, we have been successful. Certainly, there are a few ranchers who will be adversely affected in the short run, and the bill provides a grazing phase-out to ease this impact. In the long run, the creation of these parks should benefit all of the residents in adjoining areas.

Those of us who live in Utah have a deep affection for the land of our State. We have enjoyed its beauty and have been proud of its historic value. We want, enthusiastically, to share these lands with the rest of the country. By passing these bills, the House will give us this opportunity.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 8213, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 29) to establish the Capitol Reef National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows.

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe (if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by

regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area, if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this Act.

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reef National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 29 and insert in lieu thereof the provisions of H.R. 8213, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8213) was laid on the table.

CREDIT UNION SHARE INSURANCE AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9961) to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9961

A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Paragraph (2) of subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781(c)(2)) is amended by striking out "reject" and inserting in lieu thereof "disapprove".

(b) Subsection (d) of such section 201 (12 U.S.C. 1781(d)) is amended to read as follows:

"(d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) has not violated any provision of this Act, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two-year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

SEC. 2. Subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781(c)) is amended by adding at the end thereof the following new paragraph:

"(3) With respect to State credit unions which are authorized by State law to receive demand deposits, the Administrator shall approve the application of any such State credit union for insurance of its member accounts if (A) such State credit union otherwise meets the requirements for insurance established under this Act, and (B) in the event of liquidation of such State credit union, the claims with respect to demand deposit accounts shall be subordinate to the claims with respect to member accounts. For purposes of this paragraph and for purposes of determining the extent of insurance coverage under this Act, demand deposit accounts shall not be considered member accounts and shall not be insured under the provisions of this Act."

SEC. 3. Section 208(a)(2) of the Federal Credit Union Act (12 U.S.C. 1788(a)(2)) is amended by—

(1) striking out "assumption of its liability by another insured credit union" and inserting in lieu thereof "assumption of its liability by another person";

(2) striking out "may guarantee any other insured credit union against loss by reason of its" and inserting in lieu thereof "may guarantee any person against loss by reason of his"; and

(3) adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'person' means any credit union, individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity."

The SPEAKER. Is a second demanded?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, when Congress passed the share insurance bill last year, it made the provisions of the legislation mandatory for Federal credit unions.

Federal credit unions were required to apply for the insurance and if the application was rejected they had 1 year to correct the deficiencies and gain insurance. If this were not accomplished, the credit union would be forced to liquidate.

To date, more than 11,000 Federal credit unions have been insured under the legislation, and this is indeed impressive and speaks well of the safety and stability of our Federal credit union system. However, there are some 1,400 Federal credit unions who for one reason or another have been unable to obtain this insurance.

The purpose of H.R. 9961 is to make certain that the National Credit Union Administration is not setting unrealistic standards that have caused these credit unions to be unable to obtain the insurance.

Let me make it clear at the very begining that this legislation does not grant automatic insurance either on a permanent or on a temporary basis to all of the rejected credit unions. Some 80 percent of the credit unions who have been turned down because the National Credit Union Administration did not feel that they had adequate reserves. The reserves were based on administrative requirements rather than legislative requirements. Under section 116(a) of the Federal Credit Union Act, credit unions are required by law to meet a specific reserve formula. A second subparagraph of that section allows the Administrator to assess special reserves if he feels such reserves are merited. In reporting H.R. 9961 to the floor, the committee feels that the credit unions are meeting the legal reserve requirements as set out by Congress but are not able to meet the administrative reserve requirements, which in many cases appear to be unrealistically high. For this reason, the committee amended H.R. 9961 to provide that any Federal credit union that meets the congressionally stated reserve requirements of section 116(a) shall be given insurance for a period of 2 years provided they are not in violation of any other section of the Federal Credit Union Act.

In short, as the report on H.R. 9961 states:

The Committee has withdrawn the special reserve requirement provision as a condition of obtaining insurance.

This does not mean that the special reserve requirement provision has been eliminated for credit unions, but rather that it cannot be used to deny a credit union insurance. If the Administrator feels that special reserves are necessary, he must insure the credit union and give that credit union a 2-year period to meet any special reserve requirements.

It is unrealistic to expect a credit union to meet the extremely harsh special reserve requirements that have been set down without insurance, since the lack of insurance places a cloud over the credit

union and makes it difficult for that credit union to attract share capital. Section 2 of the legislation clarifies the authority of the Administrator to insure State chartered credit unions who accept demand deposits.

Last year, the State of Rhode Island enacted legislation that would allow State chartered credit unions to accept demand deposits. The National Credit Union Administration ruled that it did not have the authority to insure such deposits. Following this, Rhode Island Legislature passed a new bill that permitted the Rhode Island credit unions to have demand deposits but did not require that they be insured. Still, the National Credit Union Administration refused to insure share accounts in Rhode Island credit unions accepting demand deposits.

Under section 2 of H.R. 9961 the National Credit Union Administration must insure a State chartered credit union accepting demand deposits if it meets all of the criteria set down by the act. In short, the Administrator cannot deny the insurance solely because the credit union accepts demand deposits. As a further condition, the legislation makes it clear that the demand deposits of such a credit union will not be insured and in order to obtain the insurance the claims of the demand depositors must be subordinated to the claims of the shareholders in the event of a liquidation.

Let me make it clear that this section in no way authorizes Federal credit unions to accept demand deposits nor is it designed to encourage or discourage State credit unions from gaining demand deposits authority. At the present time, only one State, Rhode Island, authorizes credit unions to accept demand deposits, and this was done only after a similar type of authority was granted to other types of thrift institutions. In addition, Rhode Island officials felt that the Federal share insurance law would cover demand deposits. Thus, section 2 of H.R. 9961 is designed to clear up a specific point and does not grant any new authority to either State or Federal credit unions.

Section 3 of the bill gives the Administrator more authority in liquidating a credit union or trying to shore up a credit union with financial problems.

Under present law, if the Administrator wants to merge an open or closed credit union, his only choice is to do so with another insured credit union. Also, if he wants to guarantee the obligations of a credit union to a third party, that third party can only be an insured credit union.

Under section 3, the Administrator is given a wide choice in electing other financial institutions, government bodies, or even private corporations, both profitmaking and nonprofitmaking for the purposes of guaranteeing to them the payment of obligations originally held by the failing credit union. This is merely permissive legislation and has the support of the National Credit Union Administration.

In closing, let me point out that Congress cannot stand by and let 1,400 credit unions go by the wayside without action. Therefore, it is imperative that this bill be passed as quickly as possible.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Rhode Island (Mr. ST GERMAIN) who is the chairman of the subcommittee that held hearings on this bill.

Mr. ST GERMAIN. Mr. Speaker, in October of last year Public Law 91-468, passed by Congress on the recommendation of the Banking and Currency Committee, was signed. This law provided mandatory share insurance for Federal credit unions. Such insurance had never before been made available and was considered to be a reward for the excellent safety record of the credit unions in the past years.

Federal credit unions were required to meet certain management and financial standards within 1 year of disapproval by the Administrator of an application for insurance or be forced to liquidate. As of September 10, there were 11,227 federally chartered credit unions covered by Federal share insurance and 1,400 not covered, or about 11 percent of the total left uncovered. Of these, about 1,100, or 80 percent have been rejected for share insurance because of insufficient reserves.

In many cases, however, the NCUA has gone beyond the reserve requirements set by Congress and established special reserve requirements. This clearly contradicts the intent of the law and has brought to us to the present situation.

H.R. 9961 proposes the initiation of temporary share insurance for a minimum period of 1 year, with the provision that an additional year may be granted at the discretion of the Administrator. This will give the credit unions the necessary time to set their financial houses in order and comply with the necessary requisites. General Nickerson, Administrator of NCUA has agreed that the vast majority of the 1,400 uninsured credit unions are capable of meeting these requirements if given time; and over 50 percent can meet the requirements by December 1972.

There is an amendment to this bill which I sponsored and should like to explain. In my own State of Rhode Island, the State legislature passed a law which allowed credit unions, upon meeting certain reserve and other requirements, to accept demand deposit accounts. For example, total shares must exceed $1,000,000. A reserve of 20 percent must be maintained in cash or equivalent against the outstanding checking account balances, and no overdrafts will be allowed. Of great importance is that member shares and deposits, excluding demand deposits, must be insured.

However, General Nickerson refused to insure the savings accounts of over 200,000 Rhode Islanders who are members of State chartered credit unions, because he said the Federal Credit Union Act did not authorize insurance for those demand deposit accounts permissible under State law.

Further the Administrator refuses such insurance on the grounds that demand deposit accounts will be paid out first in event of liquidation, and the insurance fund will have to pay out to savings depositors. This would place an unfair burden on the fund.

Therefore, I have proposed an amendment which the committee approved to provide insurance for the savings accounts of credit unions of all States who are permitted by State law to accept demand deposit accounts, so long as these savings accounts are placed ahead of the demand deposit accounts in the case of liquidation; moreover, these demand deposits may not be insured with Federal insurance.

Admittedly this is a Rhode Island State's rights amendment. It would apply solely to State chartered credit unions and in fact only to Rhode Island, the only such State at present, but in time there will be others. My amendment is for all States present and future.

There are some who will argue that share insurance is being offered to bail out poor credit unions. This is not so. This legislation is being offered not with the credit union but with the credit union depositor in mind. He deserves and has earned the right to have his funds insured.

In low-income areas where credit unions have accepted the stable funds of utility and industrial companies in the area as a means of adding to the base from which they can make loans, such funds will be driven out if insurance is denied.

To me any alternative short of insurance is unpalatable and unfeasible. Since 1934 when the Federal Credit Union Act was passed, credit unions have had total losses of less than one-tenth of 1 percent of their total shares. Losses for 1971 have been less than projected. Our credit unions have shown their capabilities. I, therefore, urge the passage of H.R. 9961 as amended.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say at the outset that I favor and support the credit union movement in America, and last year the Congress established a Federal system of insurance for the share accounts of credit union members. Under the plan, all Federal credit unions are required to apply for such insurance. The State-chartered credit unions at their election may or may not make application for insurance coverage.

Every applicant however must meet certain minimum qualifications to obtain insurance. The provisions of section 201(c)(2) require the administrator to reject any application for insurance if he finds the credit union: first, has inadequate reserves; second, an unsafe and unsound financial condition; third, unfit management; fourth, would involve undue risk to the insurance fund; or, fifth, had inappropriate charter powers.

In the case of Federal credit unions, those who fail to qualify must correct their problems within a year of rejection of their applications and become insured or be placed in liquidation. At the present time, 11,227 of the 12,647 Federal credit unions are insured. Of the 10,600 State chartered credit unions, only 571 are insured.

It is the plight of the 1,420 Federal credit unions which have been rejected for insurance which gave rise to the

introduction of H.R. 9961. As originally introduced, the bill would have required the administrator to grant them temporary insurance for 2 years notwithstanding the fact they did not meet the minimum qualifications for insurance.

The subcommittee did not like H.R. 9961 which gave share or deposit insurance to a credit union regardless of its solvency.

The subcommittee decided on the extension of grace period approach and unanimously adopted an amendment providing a grace period of 3 years in which a rejected applicant could qualify for insurance.

The full committee in considering this legislation rejected this recommendation of its subcommittee and instead, supposedly adopted a modification of the original blanket insurance approach, which is the bill before us today.

To understand the amended bill before us requires a further statement on the Credit Union Insurance Act.

Section 116(a) by statute sets up certain reserve requirements of a credit union before they can obtain the insurance. They must set aside 10 percent of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets.

There are other provisions that come into play when the reserve declines.

Section 116(b) of the act gives the Administrator additional powers, as follows:

> In addition to such regular reserve, special reserves to protect the interest of members shall be established (1) when required by regulation; or (2) when found by the Administrator, in any special case to be necessary for that purpose.

The Administrator in accordance with this power has made an offer to certain credit unions that if they would set aside certain additional reserves, in addition to the statutory reserve requirements, they could qualify for insurance. Many credit unions accepted this offer and obtained insurance. A number are giving this offer consideration now.

The intent of the bill before us was to deny only authority of the Administrator to set special reserve requirements under section 116(b) of the act and if other conditions were met to mandate insurance of a rejected applicant for a 1-year period within which it was to bring itself into full compliance with the act or have its charter terminated.

I do not believe the language adopted accomplishes the result intended. The language in question is a rewrite of section 201(d) of the act to read as follows:

> (d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) *has not violated any provision of this Act*, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

For a disapproved Federal credit union to obtain the 2-year insurance it must not, as provided in clause (2), have "violated any provision of this act." Section 116(b) granting the Administrator authority to impose special reserve requirements of course is a provision of the act. It is not waived by the amendment and therefore remains in full force and effect. Clause (2) of the amendment completely nullifies the change intended.

There is another unfortunate result of this self-defeating amendment. The 2-year grace period for a credit union to come in full compliance with the act is geared to the credit union being an insured credit union for the 2-year period. Since the rejected credit union could not be insured because it would not meet the test of clause (2) that it "has not violated any provision of this act", it would have to be put into liquidation immediately. The authority in existing law for a straight 1-year grace period for a rejected credit union to come into full compliance of the law is repealed by this defective rewrite of section 201(d). Certainly no one wants that result to happen.

There is another feature of this bill that has been overlooked. How about the credit union that cannot qualify within the statutory reserve requirements? They will have to liquidate immediately, because the bill does not extend the time to qualify for insurance to them. No one right now wants to see any credit union be forced to liquidate. This bill then needs amendment.

It is unfortunate that this bill comes before us today under suspension of the rules. The procedure forecloses the offering of amendments. This proposal is seriously defective and must be amended. Accordingly there is only one course of action open to us. Vote down the request to suspend the rules. The bill can then be brought before the House under regular procedure and amended to correct the errors. Personally, I approve the subcommittee version: a simple 3-year extension for a credit union to qualify for insurance.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. GROSS. Is there a minority report in connection with this bill, and if so where could I obtain a copy of it?

Mr. JOHNSON of Pennsylvania. In answer to the gentleman, Mr. Speaker, there were strong minority views drafted and they were signed by quite a large number of members of the committee. Some confusion was pointed out in the language of a couple of paragraphs in the minority views and it was felt by the minority, it being so late Friday afternoon and we would have had to contact Members all over the Nation who had left by plane that, therefore, we did not file the views. But the minority views are in accord with what I am saying at the present time.

Mr. GROSS. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I would like to indicate I played what I hoped was a significant role in establishing some inner city credit unions in the city of Baltimore. I did this because I am aware of the importance of viable credit unions in the lives of poor people, both black and white.

It seems to me that it should be a major concern to us when 1,400 federally chartered credit unions face loss of their charter because they do not meet certain standards established in a law that is just a year old. However, I am most concerned because the thousands of shareholders in those credit unions are denied the protection that Congress sought to provide when the share insurance law was enacted last year.

It is true that those credit unions have 1 year from the time their application was rejected for insurance to make the necessary adjustments and changes to meet share insurance requirements. But by the very fact that insurance was denied on the original application, the problems of meeting insurance requirements are immeasurably compounded.

Even though the credit union may meet all requirements to pass a National Credit Union Administration examination successfully under the original provisions of the Federal Credit Union Act, the mere fact that it is rejected for share insurance is a real threat to its continued existence, to say nothing of meeting more difficult operating requirements.

The great danger comes from a loss of confidence in the security of their funds on the part of shareholders when they learn the credit union has been denied insurance. The reason for the denial will have little bearing on the reaction; nor will the fact that the credit union may have operated for years when no share insurance existed be remembered. The problem will be most difficult to overcome and it is indeed one which may force a solvent credit union into liquidation should member confidence disintegrate.

These credit unions need share insurance coverage to help meet insurance requirements. They need the member confidence and protection of share insurance during this 2-year period.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, as the coauthor of an amendment to Section 1 of H.R. 9961, which was amended in the full committee, I would like to take a few minutes to discuss the background which led to the inclusion of this section in the bill.

Under the Federal Credit Union Act, credit unions in order to obtain insurance must meet the reserve requirements set down in section 116. Subsection (a) of that section spells out the legal reserve requirements as mandated by Congress, while subsection (b) allows the Administrator to use special reserve requirements.

In section 116(a) of the Federal Credit

Union Act, credit unions are required to maintain a 7½ percent to 10 percent reserve fund. This, in itself, is a high reserve as commercial banks are only required to have 3 percent to 5 percent reserves on their time and savings deposits.

You will note in Section 1 of H.R. 9961 that any credit union which meets the requirements of Section 116(a) of the act, and is not in violation of any other provision of the act, shall receive insurance for a period of 2 years. This 2-year period will give them time to comply with the additional reserve requirements set up by the Administrator under section 116(b).

Any credit union which is in compliance with the provisions of section 116 (a), and not in violation of any other provision of the act, is a sound credit union and should be covered with insurance. H.R. 9961, as originally introduced, provided that all credit unions, regardless of their soundness, would be covered by insurance for a period of not less than 1 year and not more than 2 years. My amendment prevents credit unions which are not sound from receiving insurance.

When the National Credit Union Administration testified before the committee, it gave the impression that the 1,400 credit unions who have been denied insurance were really in poor financial condition and had violated the reserve requirements.

However, that was not an accurate impression. Most of these credit unions have met the reserve requirements set down by Congress but have not met the reserve requirements as outlined by the Administration. These credit unions are being denied insurance based on administrative legislation rather than congressional legislation, and I believe that they are being unfairly punished.

Let me point out some of the special reserve requirements to which these credit unions were subjected. In addition to the regular reserve requirements set down under Section 116(a), the Administrator in many cases required that the credit union:

First, place 15 percent of gross income in reserve until it reaches 50 percent of loans 6–12 months delinquent;

Second, add 100 percent to reserves for all loans more than 12 months delinquent;

Third, add 3 percent of all other loans whether delinquent or not.

I want to emphasize that all of these requirements are in addition to the reserves required by the law. If the Administrator does not feel that the reserve requirements in Section 116(a) are strong enough, then he should submit legislation to Congress to beef up the reserves. He should not try to do this on an administrative basis. I would point out to Members of this body that when Congress passed the share insurance bill last year it included the new reserve requirements in Section 116(a) which were drafted by the National Credit Union Administration. Thus, we have a situation where the Administration will not even abide by the reserve requirements which it suggested to Congress.

Let me cite a case that the committee uncovered of the type of rejection for insurance that is being made by the National Credit Union Administration. This concerns a credit union in the Northeast part of the United States which serves the employees of a manufacturing concern. The credit union has only 42 members but has reached approximately 90 percent of its potential membership. It has assets of $7,000 and loans of approximately $5,000. Not a single loan is delinquent and in fact since the credit union was started 4 years ago, it has charged off against reserves only $4.57.

The management of this credit union is composed of volunteers. According to the State credit union league, this credit union is one of the best run in the state. Quite clearly the credit union is in no way in violation of either the spirit or the intent of the Federal Credit Union Act. In fact, it may well be a model of what the original credit union act had in mind.

The shocking part is that this credit union has been denied share insurance because "it does not have qualified management." There can be no valid reason for denying this credit union insurance.

If there are credit unions who have been denied insurance because they are in violation of the act, the Administrator has a remedy for this situation. Under the share insurance legislation passed last year, Congress provided the Administration with cease and desist authority. By using this power, the Administrator can insure a credit union, thus protecting its members' assets and at the same time correct any problems through cease and desist powers.

Once again, we find a paradox in that the National Credit Union Administration actively sought the inclusion of cease and desist authority in the share insurance legislation but has been reluctant to use this authority. To my knowledge, the Administration has used the power in only one case.

It is important that financially sound credit unions receive this insurance so that their shareholders will not lose confidence in them. I am quite confident that none of us would place an account in a commercial bank that was not insured by the FDIC. To deny a financially sound credit union this insurance can only jeopardize the future of such a credit union.

I strongly support H.R. 9961 because it will give insurance to credit unions that deserve it and will exclude unsound credit unions from being insured. I urge my colleagues to support H.R. 9961.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I am sure the gentleman understands there are 1,400 credit unions which have not qualified under the Administrator's regulations.

Mr. WILLIAMS. That is absolutely correct.

Mr. PEYSER. And the purpose of this bill is to grant them the insurance whether they are qualified or not, on a temporary basis?

Mr. WILLIAMS. No. The intention of this bill is clearly spelled out. As long as any one of these 1,400 credit unions is in compliance with 116(a) and has between 7.5 and 10 percent reserves, and as long as it is not in violation of any other provision of the Act, we will give it the insurance for a 2-year period, give it 2 years to comply with the regulations promulgated by the Administrator—regulations which I believe are far too strict.

Mr. PEYSER. And then after the end of 2 years, if they have still not complied, what happens?

Mr. WILLIAMS. The Administrator takes the necessary steps to see that it is liquidated, or some other action.

Mr. PEYSER. My concern in that case is whether we are really being fair to the small depositors of the credit unions who are keeping their money here in the assumption that the Federal Government is now backing them, and yet 2 years from now, if conditions are the same, we will not be backing them.

Mr. WILLIAMS. Keep this in mind: 2 years from now, the Administrator himself estimates conditions will not be the same, because he estimates only a very small portion of the 1,400 will not be able to make the grade.

Mr. PEYSER. Then I do not see why we cannot just extend the time.

Mr. WILLIAMS. For the reason I have already pointed out: Would the gentleman put his money in a bank not covered by the FDIC?

Mr. PEYSER. I would not, but evidently these people have.

Mr. PATMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the distinguished gentleman from Pennsylvania (Mr. JOHNSON) made one or two points which I would like to comment on. As the Members will notice, there are no minority views in the committee report. We are very careful in our committee to give members an opportunity to file minority or supplemental views or dissenting views in the time they have got to be filed—which is plenty of time. The vote here was 27 for and four against, and no one filed any minority views. They are just not here.

The truth is, minority views were filed, but they were withdrawn. They were withdrawn, and I do not know why they were withdrawn, but, of course, we could not resist them wanting to withdraw their own minority views, so there are no minority views here.

If there is anything wrong with this bill, I ask Members to deal not so harshly with the people who are working their hearts out with their communities and neighbors and friends, trying to get them to learn the virtues of thrift and savings. We need savings today. These credit unions pick up the savings in small amounts. That gets to be big amounts, and then it is deposited in the bank. Every dollar the credit unions handle goes through a commercial bank. They need the commercial banks and the commercial banks need them. The credit unions are accumulating this money all over the Nation in small amounts. That gets to be big amounts, and it goes into the commercial banks and goes into trade and distribution, and it helps everybody. It helps everybody.

So if there is anything wrong with this bill, the thing to do is not to try to kill it here but to go to the Senate. The bill will go to the Senate, and the Banking

and Currency Committee will hold hearings, and if a Member has an amendment he wants to have considered there, they will consider it. They will give it every consideration it is entitled to.

If you are right and they believe you are right, they will put the amendment in the bill.

If there are substantial changes, they will ask for a conference. We will agree in the conference to what is necessary.

There is too little in this bill to stop it here. It would be terrible. There are 24 million people involved, some of the finest and best people on earth, who have worked their hearts out for years putting over these little credit unions all over the Nation. They have done so much good.

As Congressman MITCHELL says, this keeps them away from these loan sharks. These loan sharks have quit charging 18 percent interest. They are charging 24 or 36 percent, or 75 percent, or 100 percent. So when you help these people you help these folks to stay away from the loan sharks, so that they will be able to give more money to the benefit of their families and to provide for the necessities of life.

I hope you will pass this bill by, I wish, a unanimous vote, and send it to the other body, with the knowledge that the Senate will deal with it fairly. If there is anything wrong about it, go before the Senate committee.

I would just wager, if I were a betting man, that they would accept any good, worthwhile, constructive amendment.

I hope you will support this bill. If you do not support this bill now, the Rules Committee has indicated that it will not give me a hearing on a rule for this. So that means in this session of Congress this bill will be dead. That will be a great disservice to a lot of people, and it is not necessary.

There is too little involved here. There are just a few little differences which do not amount to much. They can be adjusted in the Senate. They will come back here, and we will accept them, or have a conference and iron them out and have everybody happy about it.

I hope under the circumstances, when it would be such a great detriment to so many people to think about anything in a bill like this, when it would do so much good, that this bill can be passed. I plead with you to vote for it and support it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. If there is serious defect in this bill, why was it not corrected in the Banking and Currency Committee? Why should we rely upon the Senate or a conference to correct it?

Mr. PATMAN. I am not saying there is a serious fault. I say a Member suggested he would like to have an amendment to it. He was pointing out what he thought to be a fault. I did not see it that way. Others did not, either.

There is no way to amend it here. We know that. The reason why we have this under a suspension of the rules procedure is so that we would not have to go before the Rules Committee.

I hope the Members will vote for the bill.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from Florida, Mr. CHAPPELL.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Speaker, I rise reluctantly to oppose this proposition. I do not oppose the bill, provided we have an opportunity to amend it.

I had hoped the bill would come before the House under circumstances where we might amend it. I am not here to be a part of trying to kill the bill, but rather to get it considered under circumstances where we might amend it.

Of course, here under a suspension of the rules procedure, we cannot do that. It is my intent and purpose to help take it off this calendar so that we might consider it later at a proper time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. Since my time is limited I do not yield at this moment to my chairman, and I apologize for that.

With reference to the minority views, since some comment was made about that, I was a part of those minority views, and in deference to one of the members of our committee, who asked us to withdraw those because it might be a reflection on him if we did not do so, and in deference to a member of the committee those minority views were withdrawn.

I believe what we have here in this bill, Mr. Speaker, is an attempt to require the administrator of this law to insure sick credit unions. I do not believe that is sound with reference to banking. I do not believe that is sound with reference to any kind of financial institution. I believe it is wrong for us here to require the administrator to insure sick credit unions.

There are some almost 14,000 Federal credit unions in the United States. Only 1,400 of those have failed to qualify for insurance. The administrator tells us half of those some 1,400 will be able to comply if we simply give them another year in which to do so.

He said that of the remaining 700 or so half of those will, within an additional period of a year or 2 years be able to qualify. So we are not talking about putting these credit unions out of business, but are simply saying to them that they should get themselves in shape so they meet the standards and thereby qualify for the insurance. To me that is sound and it makes sense.

I do not know of any insurance company that will insure a sick horse. That is exactly what we are requiring the Administrator to do under this bill.

Let me say also that I think the wrong approach is being taken here to consider this bill today when we cannot amend it and do not have an opportunity to test the various approaches that ought to be made. Certainly I believe the Administrator himself, who has done a good job, knows what he is doing when he says to us that if we will extend the period within which these people can comply to 3 years, that is the most helpful way to do it. I concur with that.

Lastly, I call attention to the fact that even if the full intents and purposes of this bill are to waive applicable subsection (b) of the law, it does not do it, because, first of all, it says that the Administrator must grant it for 2 years if he finds that the credit union is in full compliance with the law. It simply says with reference to the reserve requirement under subsection (a) that if he meets that requirement and all the other provisions under the law, then the insurance will be granted for 2 years. That gives it and takes it away at the same time. It does not waive subsection (b) as is intended by this law.

Mr. Speaker, I urge the defeat of this bill under suspension of the rules.

Mr. PATMAN. Mr. Speaker, I will take just 1 minute.

The gentleman who has just addressed the House knows that he had an opportunity to be in our writeup sessions where we were passing on this bill. He was absent. If he had been there, he could probably have gotten his amendment passed, if it were a good and constructive one and if he convinced the majority of the Members. However, he was not there. He was gone. We were not responsible for that. Why should the entire committee be inconvenienced and why should we stop a bill just because one Member is not there? Later he shows up and he sees something that he does not like, but he is still not without a remedy or recourse. He can go to the other body, which will give him consideration. Why should he hold the whole bill up here? That is asking too much.

I yield such time as he may use to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, the Congress has repeatedly recognized the role that credit unions play in bringing credit facilities to low-income groups. We have passed legislation which encourages organizations outside the common bond of membership to make deposits in such credit unions with the objective of infusing additional capital in these credit unions.

But what business or individual will deposit funds in such credit unions if such deposits are not insured?

Obviously these low-income credit unions must offer security to the outside depositor. Unless we make certain that they can offer such security, we have only gone halfway in our efforts to help these credit unions.

This bill will require issuance of share insurance to such credit unions which fail initially to meet insurance requirements for a period of 2 years. During that time, the credit union can take the necessary steps to meet share insurance requirements. If at the end of the 2-year period the requirements are not met, then the credit union would lose its Federal charter.

It seems that the only fair thing to do, if we are to be consistent with our avowed purpose of helping low-income credit unions in their efforts to provide credit for their members, is to pass the legislation embodied in H.R. 9961 in order to give low-income credit unions every opportunity to meet Federal insurance standards.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to utilize the 1 minute I have remaining.

It is with reluctance that I am going

to call for a rollcall vote on this bill. It is so fraught with errors and frailties that it throws the law of credit unions into such hopeless confusion that we will be doing a disservice to the credit unions if we send this bill to the Senate in its present form. The House should correct its own errors. This is a principle of any court, or legislative body. The body that creates errors should correct them. This bill is defective and we should amend it and send a perfect bill over to the Senate.

Mr. BOGGS. Mr. Speaker, the principal purpose of this bill, H.R. 9961, is to give share insurance coverage to some 1,400 federally chartered credit unions whose original application for insurance has been rejected. There are a number of requirements for this insurance—some of which did not exist prior to the passage of share insurance legislation a year ago. The present law gives a rejected credit union 1 year to meet insurance standards or face loss of its charter.

I am very familiar with the argument that if these credit unions cannot meet insurance standards within a year they deserve to lose their charter. That argument fails to recognize the complex problems involved. For instance, a great majority of these 1,400 credit unions are small—their assets are under $50,000. Many of them are comparatively new, and a new credit union is unable rapidly to build the reserves that are required for share insurance coverage.

But perhaps most important of all is the fact that during the year's time that these credit unions are given to meet insurance requirements, they are not insured. Their shareholders' savings are unprotected, and the credit union is at a competitive disadvantage in attracting additional savings or shareholders. The credit union's growth is curtailed, and it becomes increasingly impossible to build required reserves. Thus the credit union is the victim of a vicious cycle of defeat: It is denied an important means of attracting savings and members to further its growth so that it can meet insurance standards.

This bill takes care of the problem by providing 2 years of insurance coverage during the time the credit union has to meet reserve and other requirements of the share insurance law. I support the measure as a safe and sound method of giving 1,400 credit unions a fair deal in meeting new requirements of a law that is barely a year old.

Mrs. SULLIVAN. Mr. Speaker, some 1,400 Federal credit unions have been rejected for insurance under the Federal credit union share insurance program which is administered by the Administrator of the National Credit Union Administration. Over 80 percent of these rejections have been made because of inadequate reserves, as determined by the Administrator.

A high delinquency rate is a factor in the inadequate reserve determination, yet it is an unassailable fact that the Nation is in the midst of an economic slowdown—a period when unemployment is higher and when people are generally unable to meet financial commitments as well as in times of prosperity.

Credit unions are especially vulnerable to the financial conditions affecting a particular area or group because their membership is limited by the common bond principle. Thus if a strike closes a factory, or if economic conditions force layoffs, a credit union in that industry will more than likely find its delinquency rate rising. Yet with the end of the strike, or a return to full production by the industry, the delinquency will be cleared up and the rate drop.

The stringent reserve considerations of the share insurance law as interpreted by the Administrator, NCUA, have led to a high rejection rate for share insurance applicants—some 12 percent in fact of our federally chartered credit unions.

It is going to take time for adjustments to be made by these credit unions. And since the great majority of these credit unions are small—most are well under $50,000 in assets—and since many of them are comparatively new—we must realize that their reserve problems are more difficult and slower of solution. When you add the economic factor of today's economic slowdown, the problems become even more acute. Therefore, it is sound, commonsense to make every effort to help these 1,400 credit unions and the thousands of people they serve by giving them the time to meet the insurance requirements and giving them the added assistance of member confidence by providing share insurance coverage during the time. I believe this bill will accomplish this objective.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. HALL. Mr. Speaker, would the gentleman yield for a question?

Mr. ST GERMAIN. Yes; a short one, Doctor.

Mr. HALL. Very short.

Mr. Speaker, I appreciate the gentleman yielding.

Does or does not the present bill we have under consideration contain an amendment adopted by the committee exempting a rejected credit union from complying with the special reserve requirements imposed by section 116(b)?

Mr. ST GERMAIN. As the bill reads, and as it has been explained on the floor, there is a controversy; otherwise, this would have passed without a second being demanded. But, nevertheless, as the bill reads, if the stringent reserve requirements written into the section as proposed under section 116(a) are complied with, then these credit unions qualify for insurance.

On the question of section 116(b), unfortunately, the committee would have had to pass general legislation and the Congress had no way of knowing how section (b) and the special reserve requirements might be interpreted by the Administrator, because we do not know who the Administrator would be. Unfortunately, there are administrators who operate with a little liberalism and others who operate with great conservatism. I do not quarrel with the philosophy of the Administrator accustomed—as the result of a lifetime of living by the book—of being a rather conservative individual. In this instance, he thought that they did not meet the special reserve requirements. No one can tell what these reserve requirements are because when asked for guidelines, they have not been forthcoming.

The SPEAKER. The time of the gentleman from Rhode Island has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ST GERMAIN. As I was saying, when the credit unions throughout the country, as they were turned down, as well as their organizations—their State organizations and National organizations—when they asked for guidelines these were not forthcoming. It is very difficult to live up to special reserve requirements when you cannot find out what they are and when it is being handled, evidently, on a case-by-case basis.

I repeat again and again that the Congress, the committee, and this House in passing the original legislation set exceptionally stringent requirements, as has been outlined by the previous speakers under section 116(a). The Administrator has the cease-and-desist power that he can utilize and as a result thereof, the committee in its wisdom, after considering the subcommittee's recommendation for 3 years without insurance, felt that, no, this really would not do the trick.

The SPEAKER. The time of the gentleman from Rhode Island has again expired. All time has expired.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Would the Chair advise the Member from Missouri if the gentleman from Rhode Island answered my question?

The SPEAKER. The gentleman can answer that question as well as the Chair.

The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 9961, as amended.

The question was taken.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 122, not voting 112, as follows:

[Roll No. 284]

YEAS—197

Abbitt	Bergland	Buchanan
Abourezk	Bevill	Burke, Mass.
Abzug	Biaggi	Burton
Adams	Biester	Byron
Anderson, Calif.	Bingham	Caffery
Anderson, Ill.	Boggs	Carey, N.Y.
Andrews, N. Dak.	Boland	Carney
Aspin	Bolling	Carter
Aspinall	Brademas	Cederberg
Badillo	Brooks	Cleveland
Barrett	Broomfield	Collier
Begich	Brotzman	Collins, Ill.
	Brown, Mich.	Colmer
	Broyhill, N.C.	Corman

Cotter	Johnson, Calif.	Reuss
Coughlin	Jones, Ala.	Robison, N.Y.
Culver	Jones, N.C.	Roe
Daniel, Va.	Karth	Roncalio
Davis, S.C.	Kastenmeier	Rooney, N.Y.
Dellums	Kazen	Rooney, Pa.
Derwinski	Kee	Rosenthal
Dingell	Kluczynski	Rostenkowski
Donohue	Koch	Roush
Dow	Kyros	Roy
Drinan	Lent	Roybal
Dulski	Link	Ryan
Duncan	Long, Md.	St Germain
Dwyer	McCormack	Sarbanes
Eckhardt	McDade	Saylor
Edmondson	McFall	Scheuer
Eilberg	McKay	Sebelius
Esch	McMillan	Seiberling
Fascell	Macdonald,	Shipley
Fish	Mass.	Shriver
Flood	Mahon	Sisk
Flowers	Martin	Slack
Foley	Matsunaga	Smith, Iowa
Fountain	Mazzoli	Staggers
Fulton, Tenn.	Meeds	Steed
Galifianakis	Melcher	Stephens
Gallagher	Mink	Stokes
Gaydos	Mitchell	Stratton
Gettys	Monagan	Stubblefield
Goldwater	Moorhead	Sullivan
Gonzalez	Morgan	Symington
Grasso	Murphy, Ill.	Taylor
Gray	Natcher	Tiernan
Green, Oreg.	Nedzi	Udall
Green, Pa.	Nichols	Ullman
Griffin	Nix	Van Deerlin
Griffiths	Obey	Vander Jagt
Gude	O'Hara	Vanik
Halpern	O'Konski	Vigorito
Hamilton	O'Neill	Wampler
Hansen, Wash.	Patman	Ware
Harrington	Patten	Whalen
Harvey	Pepper	Whalley
Hathaway	Perkins	White
Hays	Pettis	Williams
Hechler, W. Va.	Pickle	Winn
Heckler, Mass.	Pike	Wolff
Helstoski	Pryor, Ark.	Wright
Hicks, Wash.	Pucinski	Yates
Hogan	Randall	Yatron
Horton	Rangel	Young, Tex.
Howard	Rees	Zablocki
Jacobs	Reid, N.Y.	

NAYS—122

Abernethy	Gross	Pirnie
Andrews, Ala.	Grover	Poage
Archer	Gubser	Price, Tex.
Arends	Hagan	Purcell
Baker	Haley	Quie
Belcher	Hall	Quillen
Bennett	Hammer-	Rarick
Betts	schmidt	Reid, Ill.
Blackburn	Hansen, Idaho	Rhodes
Bow	Harsha	Roberts
Bray	Hastings	Robinson, Va.
Brinkley	Henderson	Rogers
Brown, Ohio	Hillis	Rousselot
Burke, Fla.	Hosmer	Ruth
Burleson, Tex.	Hunt	Sandman
Burlison, Mo.	Jarman	Scherle
Cabell	Johnson, Pa.	Schmitz
Camp	Jonas	Schneebeli
Chamberlain	Jones, Tenn.	Schwengel
Chappell	Keating	Scott
Clancy	Keith	Shoup
Clausen,	Kemp	Snyder
Don H.	Kuykendall	Spence
Collins, Tex.	Kyl	Springer
Conte	Landgrebe	Stanton,
Crane	Latta	J. William
Davis, Ga.	Lennon	Steiger, Ariz.
Davis, Wis.	McClure	Talcott
de la Garza	McKevitt	Teague, Calif.
Dellenback	Mailliard	Terry
Dennis	Mann	Thompson, Ga.
Devine	Mathias, Calif.	Thomson, Wis.
Dickinson	Mathis, Ga.	Thone
Dorn	Mayne	Veysey
Downing	Michel	Waggonner
Edwards, Ala.	Miller, Ohio	Whitehurst
Fisher	Montgomery	Wyatt
Forsythe	Morse	Wydler
Frenzel	Myers	Wylie
Frey	Nelsen	Wyman
Fuqua	Pelly	Zion
Goodling	Peyser	

NOT VOTING—112

Addabbo	Baring	Byrnes, Wis.
Alexander	Bell	Casey, Tex.
Anderson,	Blanton	Celler
Tenn.	Blatnik	Chisholm
Annunzio	Brasco	Clark
Ashbrook	Broyhill, Va.	Clawson, Del
Ashley	Byrne, Pa.	Clay
Conable	Holifield	Passman
Conyers	Hull	Podell
Daniels, N.J.	Hungate	Poff
Danielson	Hutchinson	Powell
Delaney	Ichord	Preyer, N.C.
Denholm	King	Price, Ill.
Dent	Landrum	Railsback
Diggs	Leggett	Riegle
Dowdy	Lloyd	Rodino
du Pont	Long, La.	Runnels
Edwards, Calif.	Lujan	Ruppe
Edwards, La.	McClory	Satterfield
Erlenborn	McCloskey	Sikes
Eshleman	McCollister	Skubitz
Evans, Colo.	McCulloch	Smith, Calif.
Evins, Tenn.	McDonald,	Smith, N.Y.
Findley	Mich.	Stanton,
Flynt	McEwen	James V.
Ford, Gerald R.	McKinney	Steele
Ford,	Madden	Steiger, Wis.
William D.	Metcalfe	Stuckey
Fraser	Mikva	Teague, Tex.
Frelinghuysen	Miller, Calif.	Thompson, N.J.
Fulton, Pa.	Mills, Ark.	Waldie
Garmatz	Mills, Md.	Whitten
Giaimo	Minish	Widnall
Gibbons	Minshall	Wiggins
Hanley	Mizell	Wilson, Bob
Hanna	Mollohan	Wilson,
Hawkins	Mosher	Charles H.
Hébert	Moss	Young, Fla.
Hicks, Mass.	Murphy, N.Y.	Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McEwen.
Mr. Celler with Mr. Poff.
Mr. Daniels of New Jersey with Mr. Widnall.
Mr. Delaney with Mr. King.
Mr. Rodino with Mr. Frelinghuysen.
Mr. Mills of Arkansas with Mr. Gerald R. Ford.
Mrs. Hicks of Massachusetts with Mr. McKinney.
Mr. Hébert with Mr. Byrnes of Wisconsin.
Mr. Sikes with Mr. Young of Florida.
Mr. Brasco with Mr. Conable.
Mr. William D. Ford with Mr. Clay.
Mr. Waldie with Mr. Diggs.
Mr. Teague of Texas with Mr. Powell.
Mr. Annunzio with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Fulton of Pennsylvania.
Mr. Fraser with Mrs. Chisholm.
Mr. Conyers with Mr. Edwards of California.
Mr. Baring with Mr. Ashbrook.
Mr. Dowdy with Mr. Mizell.
Mr. Flynt with Mr. Broyhill of Virginia.
Mr. Price of Illinois with Mr. Hutchinson.
Mr. Moss with Mr. Del Clawson.
Mr. Minish with Mr. du Pont.
Mr. Whitten with Mr. Lloyd.
Mr. Thompson of New Jersey with Mr. Smith of New York.
Mr. Mikva with Mr. Hawkins.
Mr. Madden with Mr. Riegle.
Mr. Ichord with Mr. Minshall.
Mr. Blatnik with Mr. Mosher.
Mr. Dent with Mr. Eshleman.
Mr. Evins of Tennessee with Mr. Erlenborn.
Mr. Garmatz with Mr. Mills of Maryland.
Mr. Podell with Mr. Steele.
Mr. Giaimo with Mr. McDonald of Michigan.
Mr. Metcalfe with Mr. Leggett.
Mr. Clark with Mr. Ruppe.
Mr. Miller of California with Mr. Smith of California.
Mr. Danielson with Mr. Bob Wilson.
Mr. Alexander with Mr. McCulloch.
Mr. Evans of Colorado with Mr. McCollister.
Mr. Hungate with Mr. Lujan.
Mr. Hanna with Mr. Wiggins.
Mr. Murphy of New York with Mr. Railsback.
Mr. Landrum with Mr. Skubitz.
Mr. Hanley with Mr. Steiger of Wisconsin.
Mr. Holifield with Mr. Bell.
Mr. Charles H. Wilson with Mr. McCloskey.
Mr. Gibbons with Mr. Findley.
Mr. Mollohan with Mr. Zwach.
Mr. Anderson of Tennessee with Mr. Hull.
Mr. Passman with Mr. Ashley.
Mr. Satterfield with Mr. Blanton.
Mr. Runnels with Mr. Stuckey.
Mr. Casey of Texas with Mr. Joseph V. Stanton.
Mr. Denholm with Mr. Long of Louisiana.
Mr. Edwards of Louisiana with Mr. Preyer of North Carolina.

Messrs. ABERNETHY and PELLY changed their votes from "yea" to "nay."

Messrs. DUNCAN, VANDER JAGT, HORTON, and COUGHLIN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

FREE LETTER MAIL FOR OVERSEAS SERVICEMEN

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces and for other purposes, as amended.

The Clerk read as follows:

H.R. 3808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraphs (A) and (B) of section 3401 (a)(1) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), are amended to read as follows:

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while on active duty; or".

(b) Subparagraph (D) of section 3401(a)(2) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756; Public Law 91–375), is amended to read as follows:

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while in the services with, or in, a unit under operational control of a command of the Armed Forces of the United States; and".

(c) Section 3401(b) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91–375), is amended by striking out subparagraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1)(A) letter mail or sound-recorded communications having the character of personal correspondence;

"(B) parcels not exceeding five pounds in weight and sixty inches in length and girth combined; and

"(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office; and

"(2) parcels exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.".

SEC. 2. (a) Chapter 34 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), is amended by adding at the end thereof the following new section:

"§ 3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding seventy pounds in weight and one hundred inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment, in addition to the regular surface rate of postage, of a fee for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.".

(b) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end thereof—

"3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices.".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when H.R. 3808 was introduced, 24 members of the Post Office and Civil Service Committee were cosponsors. Generally, the legislation would extend free letter mail service to all U.S. servicemen stationed outside the 50 United States, and would also renew the statutory authority for airlifting parcels to servicemen stationed abroad.

Present law permits free letter mail service only for servicemen assigned to combat areas. This bill would extend that privilege to all servicemen outside the United States for letter mail and sound recorded communications which have the character of personal correspondence. The bill also proposes airlift for second class news value publications for servicemen on overseas assignment.

The law providing for parcel airlift—PAL mail—expired on July 1, 1971, and no provision was made for extension of it in the Postal Reorganization Act we passed last year. The law which expired at the end of June provided a maximum of 30 pounds weight and a size of 60 inches length and girth combined. As introduced, H.R. 3808 proposed that this size limitation be increased to 72 inches. Experience had indicated that the old limit of 60 inches was not adequate in relation to the weight limitation of 30 pounds.

During the Postal Service Subcommittee's hearings on this legislation it was suggested by the chairman of the full committee (Mr. DULSKI) that consideration be given to further increasing the maximum sizes allowed under the PAL program. Increase in size limits to 100 inches in length and girth combined and 70 pounds in weight would permit greater flexibility and choice to the serviceman. By easing PAL restrictions to this extent, servicemen would have the option of mailing home their footlockers at their own expense. At the present time footlockers are generally shipped through freight channels. A side advantage to this would be to insure complete inspection by U.S. customs agents at the port of entry, rather than overseas by inexperienced unit customs officers.

When the subcommittee met to consider H.R. 3808, I proposed an amendment to this effect—increasing the size limitations for PAL mail to not in excess of 70 pounds in weight and 100 inches in length and girth combined. The subcommittee unanimously approved this amendment. The subcommittee also voted unanimously to report H.R. 3808, as amended, to the full committee.

The full committee has unanimously, by voice vote, reported the bill to the House for favorable action. I ask the House to vote in support of this effort.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 3808.

Mr. Speaker, under present law, free mailing privileges are now provided for members of the Armed Forces in designated combat areas; and for servicemen hospitalized as a result of disease or injury incurred in a combat zone. Vietnam is now considered the only designated combat area.

H.R. 3808 will extend these privileges to all servicemen on duty outside the United States. Members of the Armed Forces have no choice about where they will be assigned. Their assignments take them far away from their loved ones and friends, and while it may seem a small thing to do, it seems to me of utmost importance that we take what steps are needed to bridge the distance that separates our servicemen from their families at home.

All these young men in our Armed Forces are performing a necessary service for their country. We owe it to them and their families to make every effort to boost the morale of our servicemen throughout the world, whether or not they are assigned to a combat area.

There are subjected to loneliness and fatigue regardless of where they are stationed. Free letter mail, air transportation of packages not exceeding 5 pounds in weight and 60 inches in length and girth combined, and air transportation of publications entitled to periodical rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public, will do much to increase the morale of these men.

In addition, H.R. 3808 provides for air transportation, on a space available basis, for packages up to 72 pounds and 100 inches in length and girth, upon payment, in addition to the surface rate of postage, of a fee for such transportation by air.

H.R. 3808, in effect, establishes the principle that these privileges are being given in recognition of the fact that the serviceman has been separated from his home and family, and the fact that he may or may not be in a combat area is incidental to this principle.

Mr. Speaker, this is a humanitarian measure, and I hope that all my colleagues will join me in support of this bill.

Mr. DERWINSKI. Mr. Speaker, the bill before us, H.R. 3808, is one which I was proud to cosponsor and I urge House approval. The morale among our servicemen stationed overseas is a matter of concern, and anything that we can do to strengthen their morale should be given support. Passage of this bill will assist in keeping up troop morale.

Free letter mailing, and fast and efficient air transportation of packages to our men will certainly aid their morale, and will show them that we in Congress appreciate the service they are rendering for our country, wherever they may serve overseas.

The problem of loneliness among servicemen exists no matter where they are assigned, and anything that we can do to better their personal conditions merits our support.

We are inspiring their wives, mothers, and sweethearts back home to write since they no longer will have to pay the higher airmail rate to get fast delivery of a package to their loved one.

It has been suggested that there is no justification for extending special mailing privileges to servicemen not in combat areas. Since our servicemen overseas have no choice of their stations, they should have these privileges whenever assigned abroad.

Mr. Speaker, I urge my colleagues to join me in support of this sound legislation, and I hope we will have unanimous approval.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3808, which will round out the previous efforts of our Committee on Post Office and Civil Service and the Congress by providing servicemen in all areas outside the United States the benefits of fast and efficient mail service.

Action toward this end started with Public Law 89–315, which provided for free letter mail for letters mailed by a serviceman in a combat area, and airlift for parcels up to 5 pounds between a combat area and point of embarkation in the United States.

Public Law 89–275 extended the free mailing privilege to include sound recordings, provided an airlift for letter mail, sound recordings, and parcels up to 5 pounds, and provided airlift to a combat area for publications having current news value.

Public Law 90–206 added a new cate-

gory for parcels—PAL—not exceeding 30 pounds in weight or 60 inches, length and girth combined, mailed to or from any APO, including airlift within the United States upon payment of surface rates plus an airlift fee to be fixed by the Postmaster General.

H.R. 3808 is another attempt to provide all the members of our Armed Forces stationed outside the United States with an efficient, less expensive, and convenient way of carrying on communication with their families and friends, and expediting the transmission of packages between them.

Mr. Speaker, it is basically the same legislation that our House Post Office and Civil Service Committee and this body passed in the last Congress.

In my opinion, this is a worthy bill, and it should receive the approval of all of my colleagues.

Mr. ROUSSELOT. Mr. Speaker, the bill before us, H.R. 3808 is one, which in my opinion, warrants unanimous approval. The question of morale among our servicemen stationed overseas, if we are to believe the accounts carried in the newspapers and news periodicals, is not of the best, and anything that we can do to strengthen their morale should be given our utmost support. I believe passage of this bill will assist in doing just that.

Free letter mailing, and fast and efficient air transportation of packages and news periodicals to these men will certainly help their morale, and will let them know that we in Congress appreciate the service they are rendering for our country, whether it be in a combat area or elsewhere in the world.

The factors of loneliness and fatigue among the servicemen exist no matter where they are stationed, and anything that we can do to better these existing conditions merits our support.

What we are saying to these men, in effect, is that when we separate you from your homes, families, and friends by great distances in defense of your country, we will give you the means of communicating with your homes swiftly, efficiently, and less expensively.

We are also telling their wives, mothers, and sweethearts back home that they no longer will have to pay the higher airmail rate to get fast delivery of a package to their servicemen.

It has been said that there is no justification for extending special mailing privileges to servicemen not in combat areas. I submit that our servicemen overseas have no choice of their stations, and they should have these privileges.

Mr. Speaker, I hope all my colleagues will join me in support of this meritorious legislation, and that we will have unanimous approval.

Mr. DULSKI. Mr. Speaker, I rise in support of House Resolution 3808. The bill was cosponsored by 24 members of our committee and was unanimously reported by a voice vote. The bill is similar to legislation passed by the House in the 91st Congress.

This legislation is the fourth legislative proposal from our committee and is based primarily on four reports of on-site studies and investigations by members of the committee.

I will explain the bill briefly at this point, but will include for the RECORD at the end of my statement a detailed comparison between existing law and the changes made by the bill.

Present law permits free letter mail service only for servicemen assigned to combat areas. House Resolution 3808 would extend this privilege to all servicemen on assignments outside the 50 States.

Servicemen assigned overseas have no choice in their assignments and should have afforded to them free mail service.

The bill also provides for airlift of second-class news publications for all servicemen on overseas assignments. These publications contain time value news and are worthless on receipt if they must depend upon slow, routine mail transportation.

The law providing parcel airlift (PAL) expired on July 1, 1971, and no provision was made for its extension in the Postal Reform Act last year. I believe our failure to include the extension of PAL in the reform act last year was a serious oversight.

The law had provided for a maximum of 30 pounds weight and 60 inches, girth and length combined. The bill would extend the maximum weight to 70 pounds and the size to 100 inches.

There is no question in my mind but that the PAL mail is a necessary program which has contributed greatly to the morale of our troops stationed around the world.

I might add that the Postal Service has continued PAL mail administratively. However, I believe that this program involves a policy that should be determined by the Congress and not by postal officials whose policies are sure to change from time to time.

Mr. Speaker, the committee files have considerable documentation on the need and desire for extension of the free letter mail service and the statutory renewal of the PAL program.

The broad support for my bill from our colleagues on the committee is an indication of the strong bipartisan interest of the Members.

I urge passage of the bill, House Resolution 3808.

I include the following:

FREE MAIL

Existing Law: 39 U.S.C. 3401(a), letters and recordings—mailed from a combat area.

H.R. 3808: Subsections (a) and (b) of the first section—extend the free mail privilege now for servicemen in a combat area, to all servicemen outside the 50 States.

TRANSPORTED BY AIR ON A SPACE-AVAILABLE BASIS

Existing law

39 U.S.C. 3401(b):

(1) Letters, recordings, and parcels up to 5 lbs. and 60 in., mailed at, or addressed to, any Armed Forces post office outside the 48 States.

(2) News publications—to combat areas.

(3) Where adequate transportation is not available: isolated hardship or combat support areas; parcels 6–70 lbs. and 100 in., and all surface-type official mail.

H.R. 3808

Subsection (c) extends transportation privileges to news publications mailed at, or addressed to, any Armed Forces post office outside the 48 States.

PAL MAIL

Existing law

Existing law expired on July 1, 1971, but PAL mail has continued under Postal Service regulations. (Applied to parcels not exceeding 30 lbs. and 60 inches.)

H.R. 3808

Under section 2, parcels not exceeding 70 lbs. and 100 in., mailed at, or addressed to, any Armed Forces post office may be transported by air on a space-available basis upon payment of an additional fee for transportation by air.

Mr. HOGAN. Mr. Speaker, as a member of the Post Office and Civil Service Committee and as one of the sponsors of H.R. 3808 and of earlier, similar legislation, H.R. 1352, I believe that this legislation is a wise investment in sustaining our overseas military efforts.

The legislation before us today would extend free mail service to all military personnel serving outside of the United States and it would also extend the authority for airlifting parcels to our men stationed abroad.

The present law involving parcel airlift (PAL) expired on July 1 of this year and, during consideration of the Postal Reorganization Act of 1970, extension of this authority was overlooked.

More important even than the extension of the PAL authority is the provision in H.R. 3808 to extend free mail service to all servicemen overseas. A bill to accomplish only this latter objective was acted upon favorably by this body during the 91st Congress. I was pleased to be a sponsor of that bill, along with many of my colleagues on the Post Office and Civil Service Committee who have also cosponsored the legislation before us today.

Unfortunately, the other body failed to take any action on this measure, and, again, this proposal also was not included in the postal reform legislation.

I think it is clear then, Mr. Speaker, that this bill deserves the approval of this body. I can see no valid objections to this legislation.

Presently, this free service is provided only to men who are serving in "combat zones." The designation "combat zone" is, in my opinion, a highly artificial one. Without debasing the valor which is continuously demonstrated by our soldiers in Southeast Asia, the American serviceman in Korea, Berlin, and other critical areas throughout the world is surely serving the Nation equally well and deserves the benefits of this postal service.

For a serviceman who is stationed overseas, the mail is a vital link for keeping in touch with his family and friends and is a key factor in maintaining the morale of our Armed Forces personnel. I would like to make the point here that this mailing privilege would extend not only to letters, but also to sound-recorded communications—a most popular form of keeping friendships and family ties alive.

Mr. Speaker, the purpose of this legislation is just and offers but a small tribute for many great sacrifices. I hope it will be approved by this body without delay.

GENERAL LEAVE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 3808.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Arizona that the House suspend the rules and pass the bill H.R. 3808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AIR TRAFFIC CONTROLLERS CAREER PROGRAM

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8083) to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8083

A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 21 of title 5, United States Code, is amended by adding the following new section at the end thereof:

§ 2109. AIR TRAFFIC CONTROLLER

"For the purpose of this title, 'air traffic controller' or 'controller' means an employee of the Department of Transportation who is actively engaged in the control of air traffic, or who is the immediate supervisor of an employee actively engaged in the control of air traffic, in an air traffic control facility. The Secretary of Transportation may prescribe regulations to determine the application of this section to the employees of the Department.".

(b) The analysis of chapter 21 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"2109. Air traffic controller.".

SEC. 2. (a) Chapter 33 of title 5, United States Code, is amended by adding the following new subchapter at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"§ 3381. TRAINING

"(a) If an air traffic controller with career tenure who has completed 5 years of service as a controller is to be removed from duties as a controller because the Secretary of Transportation has determined—

"(1) he is medically disqualified for duties as a controller;

"(2) he is unable to maintain technical proficiency as a controller; or

"(3) such removal is necessary for the preservation of the physical or mental well-being of the controller;

the Secretary may provide, with the written agreement of the controller, training to assist the controller in qualifying for employment in another position but such training shall not exceed 2 years duration.

"(b) The Secretary may provide training under this section in a Government or non-Government facility for employment in the Department of Transportation, in another Government agency, or outside the Government.

"(c) During the period of training under this section, a controller shall—

"(1) be retained at his last assigned grade and rate of basic pay as a controller;

"(2) be entitled to each increase in rate of basic pay provided by or under statute; and—

"(3) be excluded from the staffing limitations otherwise applicable.

"(d) Upon completion of training under this section, a controller may be—

"(1) assigned to other duties in the Department of Transportation;

"(2) released for transfer to another Government agency; or

"(3) involuntarily separated from the service.

The involuntary separation of a controller under this subsection is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purpose of determining entitlement to severance pay under section 5595 of this title or entitlement to immediate retirement under section 8336 of this title.

"(e) The Secretary, without regard to section 529 of title 31, may pay, or reimburse a controller for, all or part of the necessary expenses of training provided under this section, including, but not limited to, among the expenses, the necessary cost of—

"(1) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title;

"(2) transportation of immediate family, household goods and personal effects, packing, crating, temporarily strong, draying, and unpacking, under section 5724 of this title, when the estimated cost of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

"(3) tuition and matriculation fees;

"(4) library and laboratory services;

"(5) purchase or rental of books, materials, and supplies; and

"(6) other services or facilities directly related to the training of the controller.

"(f) The provisions of sections 4105(a), 4107(a) and (b), and 4111 of chapter 41 of this title shall apply to the training provided under this section, but no other provisions of such chapter 41 shall apply to training provided under this section.

"(g) The provisions of this section shall not affect the authority of the Secretary to provide training under chapter 41 of this title or under any other provision of law.

"§ 3382. INVOLUNTARY SEPARATION FOR RETIREMENT

"An air traffic controller who is eligible for an immediate annuity under subchapter III of chapter 83 of this title may be separated involuntarily from the service for retirement if the Secretary of Transportation determines that the separation of the controller is necessary in the interest of—

"(1) aviation safety;

"(2) the efficient control of air traffic; or

"(3) the preservation of the physical or mental well-being of the controller.

Chapter 75 of this title does not apply to a determination or action under this section. The involuntary separation of a controller under this section shall not become final, without the consent of the controller, until the last day of the second month which immediately follows the day on which the controller receives a notification of the determination by the Secretary under this section, or, if a review is requested under section 3383 of this title, the last day of the month in which a final decision is issued by a board of review under section 3383(c) of this title, whichever is later.

"§ 3383. DETERMINATIONS; REVIEW PROCEDURES

"(a) A controller subject to a determination by the Secretary of Transportation under section 3381(a) or section 3382 of this title, shall be furnished a written notice of the determination and the reasons therefor, and a notification that the controller has 15 days after the date of receipt of the notification within which to file a written request for reconsideration of the determinaton. Unless the controller files such request within 15 days, or unless the determination is rescinded by the Secretary within the 15 days, the determination of the Secretary shall be final.

"(b) If the Secretary does not rescind his determination within 15 days after his receipt of the written request filed by the controller under subsection (a) of this section, the Secretary shall convene a board of review, consisting of—

"(1) a person designated by the controller;

"(2) a representative of the Department of Transportation designated by the Secretary; and

"(3) a representative of the Civil Service Commission, designated by the Chairman, who shall serve as chairman of the board of review.

"(c) A board of review convened under subsection (b) of this section shall review the determination of the Secretary and, within a period of 30 days after being convened, shall issue its findings and furnish copies thereof to the Secretary and the controller. The board may approve or rescind the determination of the Secretary. A decision by the board under this subsection is final. The Secretary shall take such action as may be necessary to carry out the decision of the board.

"(d) Except as provided under section 3382 of this title, the review procedure of this section is in addition to any other review or appeal procedures provided under any other provision of law, but is the sole and exclusive administrative remedy available to a controller from the Department of Transportation.

"§ 3384. REGULATIONS

"The Secretary of Transportation shall prescribe regulations necessary to carry out the provisions of this subchapter. Regulations pertaining to eligibility for and type and kind of training to be provided under section 3381 of this title shall be based on such considerations as the Secretary considers appropriate, including, but not limited to, length of service, previous occupational skills and education, training needs, and desires of controllers to be trained.

"§ 3385. EFFECT ON OTHER AUTHORITY

"This subchapter does not limit the authority of the Secretary of Transportation to reassign temporarily an air traffic controller to other duties with or without notice, in the interest of safe or efficient control of air traffic or the physical or mental well-being of the controller; or to reassign permanently or separate a controller under any other provision of law.".

(b) The analysis of chapter 33 of title 5, United States Code, is amended by adding the following new items at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"Sec.
"3381. Training.
"3382. Involuntary separation for retirement.
"3383. Determinations; review procedures.
"3384. Regulations.
"3385. Effect on other authority.".

SEC. 3. Section 8335 of title 5, United States

Code, is amended by inserting the following new subsection at the end thereof:

"(f) An air traffic controller shall be separated from the service on the last day of the month in which he becomes 56 years of age. The Secretary of Transportation, under such regulations as he may prescribe, may exempt a controller having exceptional skills and experience as a controller from the automatic separation provisions of this subsection until that controller becomes 61 years of age. The Secretary of Transportation shall notify the controller in writing of the date of separation at least 60 days before that date. Action to separate the controller is not effective, without the consent of the controller, until the last day of the month in which the 60-day notice expires.".

SEC. 4. Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections "(f)", "(g)", and "(h)", respectively; and

(2) by inserting the following new subsection (e):

"(e) An employee who is voluntarily or involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller, is entitled to an annuity.".

SEC. 5. Section 8339 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m) as subsections "(f)", "(g)", "(h)", "(i)", "(j)", "(k)", "(l)", "(m)", and "(n)", respectively; and

(2) by inserting the following new subsection (e):

"(e) The annuity of an employee retiring under section 8336(e) of this title is computed under subsection (a) of this section. That annuity may not be less than 50 percent of the average pay of the employee unless that employee received training under section 3381 of this title.".

SEC. 6. Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) by striking out the reference "8339(h)" in section 8332(b)(3), and by inserting the reference "8339(i)" in place thereof;

(2) by striking out the reference "section 8339(m)" in section 8334(g)(5), and inserting the reference "section 8339(n)" in place thereof;

(3) by amending section 8339—

(i) by striking out the reference "subsections (a)–(d)" in redesignated subsection (f), and inserting the reference "subsections (a)–(e)" in place thereof;

(ii) by striking out the references "subsections (a), (b), and (c)", "subsections (c) and (e)", and "section 8336(f)", respectively, in redesignated subsection (h), and by inserting the references "subsections (a), (b), and (f)", "subsections (c) and (f)", and "section 8336(g)", respectively, in place thereof;

(iii) by striking out the reference "subsections (a)–(g)" in redesignated subsection (i), and inserting the reference "subsections (a)–(h)" in place thereof;

(iv) by striking out the reference "subsections (a)–(h)" in redesignated subsection (j), and inserting the reference "subsections (a)–(i)" in place thereof;

(v) by striking out the reference "subsections (a)–(h)" in redesignated subsection (k), and inserting the reference "subsections (a)–(i)" in place thereof;

(vi) by striking out the reference "subsections (a)–(j)" in redesignated subsection (l), and inserting the reference "subsections (a)–(k)" in place thereof; and

(vii) by striking out the references "subsections (a)–(d)" and "subsection (e)", respectively, in redesignated subsection (n), and inserting the references "subsections (a)–(e)" and "subsection (f)", respectively, in place thereof.

(4) by amending section 8341—

(i) by striking out the references "section 8339 (a)–(h)" and "section 8339(i)", respectively, subsection (b), and inserting the references "section 8339 (a)–(i)" and "section 8339(j)", respectively, in place thereof;

(ii) by striking out the reference "section 8339 (j)" in subsection (c), and inserting the reference "section 8339(k)" in place thereof; and

(iii) by striking out the reference "section 8339(a)–(e) and (h)" in subsection (d), and inserting the reference "section 8339 (a)–(f) and (i)" in place thereof; and

(5) by striking out the reference "section 8339 (a), (b), (d), (g), and (h)" in section 8344 (a)(3)(A), and inserting the reference "section 8339 (a), (b), (d), (e), (h), and (i)" in place thereof.

SEC. 7. Section 8335(f) of title 5, United States Code, as added by this Act, does not apply to a person appointed as an air traffic controller by the Department of Transportation before the date of enactment of this Act.

SEC. 8. The Secretary of Transportation shall make a report to the Congress of his operations under the amendments made by this Act. The report shall include a detailed statement of the effectiveness of this Act in meeting the needs of the air traffic controller career program and of the air traffic control system, and any recommendations which the Secretary considers necessary or desirable for sound management of the program or the system. The Secretary shall make his report not later than 5 years after the date of enactment of this Act.

SEC. 9. This Act shall become effective at the beginning of the ninetieth day after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. HILLIS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 8083. It is based on an official recommendation by the Secretary of Transportation.

The bill was reported by a unanimous record vote, attesting to the fact that it has strong bipartisan support. I might add that this legislation is supported by the organizations representing air traffic controllers.

The bill has two main purposes.

First, it will grant to the Secretary of Transportation greater flexibility in the management of the air traffic control work force.

Second, it provides for a new career development training program and improved retirement benefits for air traffic controllers who are unable to continue their duties as controllers.

The bill consists of five main features:

First, the air traffic controllers covered by the bill are only those who are directly engaged in the separation of air traffic and their immediate supervisors, since it was recognized that only these personnel are subject to the stress factors inherent to the controller occupation. The committee did not adopt an amendment which would have included flight service station personnel.

Second, the bill authorizes the Secretary to provide training in Government or other facilities for reemployment, in or outside the Government, to air traffic controllers who are unable to continue in their duties because of health reasons or a loss of technical proficiency. The training to be provided shall be agreed to by the controller, may be of 2 years duration or less, but sufficient to assist the controller in qualifying for other employment, and shall be based on such things as previous occupational skills and education and needs and desires of the controller.

Third, it authorizes the Secretary, in the interest of air safety or health of the controller, to involuntarily separate a controller eligible for an immediate annuity.

Fourth, the bill prescribes procedures for appeal by a controller who the Secretary determines should be separated for training or involuntary separation. The procedures require that the controller be given written notice of the determination and reason therefor. It also provides that the controller has the right of appeal to an independent three men board which shall review the determination and issue a final decision, binding on the parties.

Fifth, the bill authorizes a controller to retire voluntarily or, if involuntarily separated, to receive an annuity after completing 25 years of service as a controller, or after becoming 50 years of age and completing 20 years of controller service. The annuity shall not be reduced if the controller is under 55 years of age, and the annuity may not be less than 50 percent of his average salary.

In addition, except for those controllers appointed prior to the enactment of the bill, there is established a mandatory retirement age of 56, with the added proviso that a controller with exceptional skills could be retained until his 61st birthday.

Mr. Speaker, in the consideration of this bill, the committee was guided primarily by the need to promote safety for the ever increasing number of air travelers. We determined that in order to achieve this goal three things were necessary:

First, the Secretary of Transportation had to be provided with the tools necessary for the needed flexibility in the management of the controller work force. We believe this has been accomplished by granting him the authority to separate controllers either in the interest of air safety or for the health of the controller.

Second, the controller had to be provided with reasonable protection from the increased powers granted to the Secretary. The committee believes it has done so by establishing appeal procedures by an independent board of review.

Third, we recognized that the controller, because of his unique occupation and the stresses attached to it, and who must be separated from duties, would be unduly hampered in securing another position or maintaining a decent standard of living. As a result, provision was

made for training or improved retirement benefits.

I believe the committee has reported needed and equitable legislation. The bill warrants the vote of each and every Member.

Mr. Speaker, I strongly urge passage of H.R. 8083.

Mr. HILLIS. Mr. Speaker, I yield myself three minutes.

Mr. Speaker, I should like to congratulate the chairman of our committee, the gentleman from New York (Mr. DULSKI) on the fine statement he has made concerning this bill.

Mr. Speaker, aviation is a very necessary part of today's modern world—yet it remains a field in which there is precious little room for error. Where the highest possible standard of safety is needed at all times.

I know—I pilot a small plane back to Indiana practically every weekend.

Of course, the pilot has to know what he is doing, and his equipment must be in good condition. But equally important is the help that pilot gets from air traffic control centers and towers all over the country—help in preflight planning, inflight communication, and landing assistance. Small errors in this field can be fatal.

That is why it is imperative that air controllers operate at peak performance at all times, day and night, rain or shine. They have to be ready to handle extreme mental and physical stress in any emergency—if traffic becomes heavy, weather conditions become dangerous, and so forth

Believe me, when you find yourself facing a line of thunderstorms midway home and need assistance or critical information, it is mighty nice to know there is an air controller down below who is looking out for you, and on whom you can count to remain cool and competent under any circumstances. A lot of lives depend on it.

The stresses and tension on air traffic controllers have been multiplied in recent years by the explosive growth in air traffic volume. Over the past 10 years, this volume has doubled. In the next 10 years, it is supposed to triple from the present level. In addition, an increasingly larger percentage of IFR pilots are needing greater services from air traffic control centers.

Today there are 730,000 pilots in the United States—of these, 35,000 hold airline transport pilot certificates. That leaves 695,000 general aviation pilots. Out of both groups, 169,800 pilots hold instrument ratings which entitles them to file IFR flight plans and fully utilize the air traffic control system. These centers also handle some VFR traffic on an advisory basis when able to do so.

The FAA forecasts the number of pilots to double within the next 10 years as FAA Administrator John Shaffer stated to the committee. That will impose a bigger workload on the system, particularly the en route centers. And as a result, the FAA estimates some 37,000 controllers will be needed in the next 10 years, as opposed to 24,000 now in service.

Congress has already recognized this growth and need for expansion of facilities by passing the Airport Development Act of 1970, making needed sums available for physical developments in the aviation field in the 1970's. But even in the future, the most complex aviation devices and developments will continue to rely on the human element—this is what makes the aviation system work and work safely. We must prepare now for an adequate and commensurate expansion of trained and vital air controllers, to meet the overwhelming demands of the space age.

Controllers are basically responsible for keeping aircraft properly separated and flowing smoothly. From the moment a pilot takes off until he lands, he is "passed along" a network of traffic controllers who are responsible for overseeing his safety. They keep informed as to the pilot's speed, altitude, and heading, and assist pilots who are lost or in difficulty. Tower controllers also provide a variety of weather, navigational, and flight information to pilots before takeoff and before and during landings.

Considering the continually heavy flow of air traffic minute by minute, is it small wonder the controllers burn out fairly rapidly?

Fortunately, the FAA has always an extremely competent crew of controllers. They are a hard-working crew. But ironically, the harder they work and the more competent service they provide, the sooner they are apt to find themselves "burnt out" and unable to continue to perform flawlessly.

While in most businesses, age and maturity can be counted as assets, this is not so in the air controller field. Unquestionably, this is a young man's business. Numerous studies have shown that as the controller approaches 50, his mental alertness, rapid decisionmaking abilities, and instant reactions, which are so necessary to this vocation, begin a definite decline.

Not many of us can afford to retire at age 50, yet for the controller to stay on in order to support his family is dangerous to both himself and the air traveling public. Any kind of marginal performance can be fatal to hundreds. So what is the alternative?

This bill we have before us today is the alternative. It provides a career development training program for retiring controllers, so they can continue a productive life in a less demanding position. It gives the Secretary of Transportation greater flexibility in shifting and removing controllers deemed no longer capable of continuing high-level performance. And this bill provides improved retirement benefits for long-serving controllers unable to continue their duties.

This measure will also help attract able young men into this important field by giving them security that at age 45 they will not be out on the street hunting for a job, with very limited skills which cannot be applied to most lines of work.

And it will allow them to be removed and retrained or allowed to draw pension benefits when they can no longer meet the demands of traffic controlling.

These measures were recommended by the FAA following an intensive study of the problems in recruiting and keeping top flight air controllers. They will not only provide benefits for controllers, but will also allow the Secretary of Transportation to operate a safer, more efficient national airspace system.

These are certainly vital topics of concern to those presently in the air controller ranks. In researching the need for this measure and the type of benefits it should include, members of the committee spoke to hundreds of controllers as well as airport managers and supervisors.

I visited the FAA Training Center in Oklahoma City, and spent an afternoon observing the pressured operations at the Nation's busiest airway in Oakland, Calif. I was also among a group which visited O'Hare's hectic air control tower, and towers at Dulles and En Route Center at Leesburg—we certainly agreed these men earn their living. We also saw why young men are so vitally important and why older men cannot cope so effectively in this demanding job.

I have personally conferred with other Members of this House who I deem to be particularly qualified to give judgment in this matter, one of whom was Representative DON H. CLAUSEN of California. He most wholeheartedly supports H.R. 8083.

The committee also held extensive hearings, which basically served to verify what committee members had seen in the field—there was some variance of opinion on what benefits should be included in this measure. There were those who argued that much more was needed, while others felt the bill already was too liberal. The committee is convinced the bill now before you is a good compromise between these variant viewpoints.

The committee, in fact, unanimously approved H.R. 8083, by a vote of 16 to 0. The measure also is endorsed strongly by the Department of Transportation, professional air traffic controllers organizations, the Civil Service Commission.

In closing, let me remind you that this measure is aimed at serving no special interest group. Rather, it is aimed at one goal—assuring the absolute ultimate in safety for the air-traveling public by improving the ranks of the air traffic controllers.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HILLIS. Mr. Speaker, I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of this legislation and also to express my appreciation to the Post Office and Civil Service Committee for advancing the bill to the House, hopefully, for adoption.

I particularly want to commend our colleague from Indiana (Mr. HILLIS) for

his leadership in this effort. It is very gratifying to know we have a man of his aircraft pilot competence and experience involved in the investigation and research effort as he visited the air traffic and approach control centers and facilities. One must observe the working and operating conditions of the air traffic controller, first hand—on the spot, in order to fully appreciate the magnitude of pressures they are subjected to in a normal working shift.

I am deeply grateful to Mr. HILLIS for the attention he gave to my personal ideas and suggestions affecting career development, training program and the retirement improvement aspects of the legislation.

As a former professional pilot, I can testify to the quality of our FAA personnel and the extraordinary service they provide our general, business and commercial air transportation systems throughout the country.

There is a continuing demand on their judgment and very little margin for error as they perform their vital role in the interest of safe air traffic control procedures. The pressures can be very intense particularly in the high-density traffic areas of our metropolitan airports. Peak performance is a constant requirement.

Aviation growth has been very extensive; electronic communications and air navigation facility improvements have escalated the frequency of approaches to these busy airports. Future aviation developments will continue to expand and will continue to rely heavily on the human element for those on-the-spot decisions and directions required of competent men and women committed to service in our airport-airway systems.

In spite of all the trends toward automation, the qualified and responsive human being will still be needed to make the systems functional, efficient, and safe.

Because of the pressures previously alluded to, personnel directors of the FAA and Administrator John Shaeffer have long recognized and advocated the need to provide "new career development programs" and earlier retirement considerations for this select group of Federal Government employees. I commend Mr. Shaeffer for his efforts, along with the air traffic controller organizations responsible for coordinating the employee grievance presentations to those of us concerned with the problem here in the Congress.

I participated in a meeting in Denver, Colo., with controllers and their families wherein Mr. Shaeffer learned firsthand of the intense feelings these people had over the lack of consideration being given to their frustrations and pressures. At that time, and on other occasions, I pledged to do everything possible to help them.

Upon our return, following the meetings, to Washington, Mr. Shaeffer said:

> Don, we've got to do something for these people who are literally "burned-out" at an early age. We've got to change their career training development and retirement programs in the interest of air safety and, more importantly for the benefit of these competent, dedicated and hard-working FAA people.

Administrator Shaeffer has followed through on this pledge and expression of concern. I am pleased to have been a part of this effort.

While there may be some further improvements needed, I believe this will be recorded as a great day for aviation generally and our air traffic controllers more specifically.

The Congress has faced up to its responsibilities by advancing this legislation, so, on behalf of the entire aviation community, I thank the committee for its extensive hearings and work on this constructive air traffic controller career program.

I hope we will have a unanimous vote thereby demonstrating to the controllers that Congress and Government can be responsible to human needs and problems associated with this unique career segment of our air transportation system.

The future safety of our airways and approach control areas is at stake—the life you save may be your very own.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 8083.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HILLIS. Mr. Speaker, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I support this legislation and urge its approval by the House.

Generally, I do not favor singling out one group of Federal employees and conferring special benefits on them to the exclusion of other employees. However, the personnel situation with respect to the air traffic controller workforce is such that the additional authorities and benefits provided in this bill are warranted and justified.

The legislation came to the Congress as an official request from the Secretary of Transportation, as a result of an extensive study of the air traffic controller workforce conducted by a special committee appointed by the Secretary. The bill received the careful attention of our full committee and as reported and being considered here today, the bill represents the best judgment of the committee on the number of personnel provisions it contains. The committee did an excellent job of resolving several problem areas which were called to our attention during the course of the extensive hearings.

For example, the bill as originally submitted to the Congress would, at least in my opinion, have permitted the "selection out" by the Secretary of controllers whom he determined to be physically disqualified or otherwise unable to perform the duties of controller in accord with aviation safety. As the Members are aware, I completely oppose the arbitrary "selection out" procedures that currently exist in the Department of State and certain other agencies. I had no intention of supporting this type of an arrangement with respect to air traffic controllers. Accordingly, the bill was amended by the committee to establish proper and meaningful review procedures of any determination that may be made by the Secretary so that the controller cannot be subjected to arbitrary and capricious actions.

The safe and efficient movement of millions of Americans each year through the air is almost completely dependent upon the persons who are covered by this legislation. In my judgment, this is a compelling reason why this bill should be enacted as soon as possible.

Mr. HILLIS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I think one of the most important things we have in this country today in the area of travel is air safety.

There is nothing more important to our safety in this country than to have healthy, young, vigorous, active, and happy controllers. I think this bill is a long step in that direction. I do not think it is perfect, but I think it is a good step in the right direction and I support this bill strongly.

Mr. HUNGATE. Mr. Speaker, I would like to reiterate my support for H.R. 8083, which will provide a more equitable career program for air traffic controllers.

When I cosponsored H.R. 8951, a similar bill introduced by my good friend and colleague from Arizona (Mr. UDALL), I did so in response to the great need for creating some form of job security and more realistic retirement benefits for this vital part of our Nation's work force.

I heard from many of my constituents who urged my continued support for this legislation. Their comments emphasized the injustices, and included remarks such as:

> I have been an air traffic controller for the past two years with the FAA, and in those two years I have watched controllers fall by the way side, because they could not retire . . . It is rather discouraging to think that I have to work for the next 20 years for nothing.

And:

> I am now 42 years old, have worked 15 years as an air traffic controller, and I personally feel that I cannot handle the present traffic as efficiently as I could 10 years ago. I feel under the present conditions the outlook with the FAA is very bleak . . . I cannot see any relief for years to come. Under the present system, they will be able to count me out too in a few years!

We must maintain a capable air traffic controller work force and we must assure that those who choose this profession will have a secure future. While this bill could have gone a lot further, it is an important step and I urge its passage.

Mr. ROUSSELOT. Mr. Speaker, on August 8, 1969, the Department of Transportation Secretary Volpe ap-

pointed an Air Traffic Controller Career Committee inquiring into various aspects of the air traffic controller career.

The Secretary requested that the inquiry "cover, but not be limited to, employee compensation, work environment, employee practices, training, employee management relations, organization and direction."

At the conclusion of this exhaustive and comprehensive study, the committee recognized that the air traffic controller is a central element in the existing system, and made many recommendations on improving his working conditions and thereby significantly increasing aviation safety. Some of the recommendations offered by the special study committee, such as substantial increases in the number of controllers authorized, enactment of the Airport and Airways Group Act, automation of the air transport controllers system, reduced overtime requirements, and better communications between employees and management, have already been implemented administratively by the Federal Aviation Administration and, I understand, are working very well. However, other recommendations on the questions of training, and retirement, require congressional action. That is the reason the bill is before us today.

Our Post Office and Civil Service Committee has determined that air traffic controllers constitute a unique group within the Federal establishment, and thereby require special consideration. It allowed that the physical and mental demands placed on air traffic controllers were uncommon. And concluded what has been said by others before that air traffic controllers is a young man's business.

Mr. Speaker, the provisions of this bill, H.R. 8083, have already been adequately explained by the distinguished chairman of our committee, THADDEUS J. DULSKI. I can only repeat that this is good legislation which will help to contribute to the overall effectiveness and safety of our vast aviation system.

Mr. HILLIS. Mr. Speaker, we have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from New York that the House suspend the rules and pass the bill H.R. 8083, as amended.

The question was taken.

Mr. BURTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred eighty-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 294, nays 0, not voting 137, as follows:

[Roll No. 285]

YEAS—294

Abbitt	Anderson, Ill.	Aspinall
Abernethy	Andrews, Ala.	Badillo
Abourezk	Andrews, N. Dak.	Baker
Abzug	Archer	Begich
Adams	Arends	Belcher
Anderson, Calif.	Aspin	Bennett
Betts	Hagan	Pucinski
Bevill	Haley	Purcell
Biaggi	Hall	Quie
Biester	Hamilton	Quillen
Blackburn	Hammer-schmidt	Randall
Boggs	Hansen, Idaho	Rangel
Boland	Harrington	Rarick
Bolling	Harsha	Rees
Bow	Harvey	Reid, N.Y.
Bray	Hastings	Reuss
Brinkley	Hathaway	Roberts
Brooks	Hays	Robinson, Va.
Broomfield	Hechler, W. Va.	Robison, N.Y.
Brotzman	Heckler, Mass.	Roe
Brown, Mich.	Helstoski	Roncalio
Brown, Ohio	Henderson	Rooney, N.Y.
Broyhill, N.C.	Hicks, Wash.	Rooney, Pa.
Buchanan	Hillis	Rosenthal
Burke, Fla.	Hogan	Rostenkowski
Burke, Mass.	Horton	Roush
Burleson, Tex.	Hosmer	Rousselot
Burlison, Mo.	Howard	Roy
Burton	Hunt	Roybal
Byron	Jacobs	Ruth
Cabell	Jarman	Ryan
Caffery	Johnson, Calif.	St Germain
Camp	Johnson, Pa.	Sandman
Carey, N.Y.	Jonas	Sarbanes
Carney	Jones, Ala.	Saylor
Carter	Jones, N.C.	Scherle
Cederberg	Jones, Tenn.	Scheuer
Chamberlain	Karth	Schmitz
Chappell	Kastenmeier	Schneebeli
Clancy	Kazen	Schwengel
Clausen, Don H.	Keating	Scott
Cleveland	Kee	Sebelius
Collins, Ill.	Keith	Seiberling
Collins, Tex.	Kemp	Shipley
Colmer	Kluczynski	Shoup
Conte	Koch	Shriver
Corman	Kuykendall	Sikes
Cotter	Kyl	Sisk
Coughlin	Kyros	Smith, Iowa
Culver	Landgrebe	Snyder
Daniel, Va.	Latta	Spence
Davis, Ga.	Lent	Springer
Davis, S.C.	Link	Staggers
Davis, Wis.	McClure	Stanton, J. William
de la Garza	McCormack	Steed
Dellenback	McDade	Steiger, Ariz.
Dellums	McFall	Stephens
Dennis	McKay	Stokes
Dickinson	McKevitt	Stratton
Dingell	McMillan	Stubblefield
Donohue	Macdonald, Mass.	Sullivan
Dorn	Madden	Symington
Dow	Mahon	Talcott
Downing	Mailliard	Taylor
Drinan	Mann	Teague, Calif.
Dulski	Mathias, Calif.	Thompson, Ga.
Duncan	Mathis, Ga.	Thomson, Wis.
Eckhardt	Matsunaga	Thone
Edmondson	Mayne	Tiernan
Edwards, Ala.	Mazzoli	Udall
Eilberg	Meeds	Ullman
Esch	Miller, Ohio	Van Deerlin
Fascell	Mink	Vander Jagt
Fish	Mitchell	Vanik
Fisher	Monagan	Veysey
Flood	Montgomery	Vigorito
Flowers	Moorhead	Waggonner
Foley	Morgan	Wampler
Forsythe	Murphy, Ill.	Ware
Fountain	Myers	Whalen
Frenzel	Natcher	Whalley
Frey	Nedzi	White
Fulton, Tenn.	Nix	Whitehurst
Fuqua	Obey	Williams
Galifianakis	O'Hara	Wilson, Charles H.
Gaydos	O'Konski	Winn
Gettys	O'Neill	Wolff
Goldwater	Patten	Wyatt
Gonzalez	Pelly	Wydler
Goodling	Pepper	Wylie
Grasso	Perkins	Wyman
Gray	Pettis	Yates
Green, Oreg.	Peyser	Yatron
Green, Pa.	Pickle	Young, Tex.
Griffin	Pike	Zablocki
Griffiths	Pirnie	Zion
Gross	Poage	
Grover	Price, Tex.	
Gude		

NAYS—0

NOT VOTING—137

Addabbo	Baring	Brasco
Alexander	Barrett	Broyhill, Va.
Anderson, Tenn.	Bell	Byrne, Pa.
Annunzio	Bingham	Byrnes, Wis.
Ashbrook	Blanton	Casey, Tex.
Ashley	Blatnik	Celler
	Brademas	Chisholm
Clark	Hansen, Wash.	Murphy, N.Y.
Clawson, Del	Hawkins	Nelsen
Clay	Hébert	Nichols
Collier	Hicks, Mass.	Passman
Conable	Holifield	Patman
Conyers	Hull	Podell
Crane	Hungate	Poff
Daniels, N.J.	Hutchinson	Powell
Danielson	Ichord	Preyer, N.C.
Delaney	King	Price, Ill.
Denholm	Landrum	Pryor, Ark.
Dent	Leggett	Railsback
Derwinski	Lennon	Reid, Ill.
Devine	Lloyd	Rhodes
Diggs	Long, La.	Riegle
Dowdy	Long, Md.	Rodino
du Pont	Lujan	Rogers
Dwyer	McClory	Runnels
Edwards, Calif.	McCloskey	Ruppe
Edwards, La.	McCollister	Satterfield
Erlenborn	McCulloch	Skubitz
Eshleman	McDonald, Mich.	Slack
Evans, Colo.	McEwen	Smith, Calif.
Evins, Tenn.	McKinney	Smith, N.Y.
Findley	Martin	Stanton, James V.
Flynt	Melcher	Steele
Ford, Gerald R.	Metcalfe	Steiger, Wis.
Ford, William D.	Michel	Stuckey
Fraser	Mikva	Teague, Tex.
Frelinghuysen	Miller, Calif.	Terry
Fulton, Pa.	Mills, Ark.	Thompson, N.J.
Gallagher	Mills, Md.	Waldie
Garmatz	Minish	Whitten
Giaimo	Minshall	Widnall
Gibbons	Mizell	Wiggins
Gubser	Mollohan	Wilson, Bob
Halpern	Morse	Wright
Hanley	Mosher	Young, Fla.
Hanna	Moss	Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McEwen.
Mr. Celler with Mr. Poff.
Mr. Daniels of New Jersey with Mr. Widnall.
Mr. Delaney with Mr. King.
Mr. Rodino with Mr. Frelinghuysen.
Mr. Mills of Arkansas with Mr. Gerald R. Ford.
Mrs. Hicks of Massachusetts with Mr. McKinney.
Mr. Hébert with Mr. Byrnes of Wisconsin.
Mr. Slack with Mr. Young of Florida.
Mr. Brasco with Mr. Conable.
Mr. William D. Ford with Mr. Clay.
Mr. Waldie with Mr. Diggs.
Mr. Teague of Texas with Mr. Powell.
Mr. Annunzio with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Fulton of Pennsylvania.
Mr. Fraser with Mrs. Chisholm.
Mr. Conyers with Mr. Edwards of California.
Mr. Baring with Mr. Ashbrook.
Mr. Dowdy with Mr. Mizell.
Mr. Flynt with Mr. Broyhill of Virginia.
Mr. Price of Illinois with Mr. Hutchinson.
Mr. Moss with Mr. Del Clawson.
Mr. Minish with Mr. du Pont.
Mr. Whitten with Mr. Lloyd.
Mr. Thompson of New Jersey with Mr. Smith of New York.
Mr. Mikva with Mr. Hawkins.
Mr. Melcher with Mr. Riegle.
Mr. Ichord with Mr. Minshall.
Mr. Blatnik with Mr. Mosher.
Mr. Dent with Mr. Eshleman.
Mr. Evins of Tennessee with Mr. Erlenborn.
Mr. Garmatz with Mr. Mills of Maryland.
Mr. Podell with Mr. Steele.
Mr. Giaimo with Mr. McDonald of Michigan.
Mr. Metcalfe with Mr. Leggett.
Mr. Clark with Mr. Ruppe.
Mr. Miller of California, with Mr. Smith of California.
Mr. Daniels of California, with Mr. Bob Wilson.
Mr. Alexander, with McCulloch.
Mr. Evans of Colorado, with Mr. McCollister.

Mr. Hungate, with Mr. Lujan.
Mr. Hanna, with Mr. Wiggins.
Mr. Murphy of New York, with Mr. Railsback.
Mr. Landrum, with Mr. Skubitz.
Mr. Hanley, with Mr. Steiger of Wisconsin.
Mr. Holifield, with Mr. Bell.
Mrs. Hansen of Washington, with Mr. McCloskey.
Mr. Gibbons with Mr. Findley.
Mr. Mollohan, with Mr. Zwach.
Mr. Anderson of Tennessee, with Mr. Hull.
Mr. Passman, with Mr. Ashley.
Mr. Satterfield, with Mr. Blanton.
Mr. Runnels, with Mr. Stuckey.
Mr. Casey of Texas, with Mr. James V. Stanton.
Mr. Denholm, with Mr. Long of Louisiana.
Mr. Edwards of Louisiana, with Preyer of North Carolina.
Mr. Rogers, with Mr. Gubser.
Mr. Lennon, with Mr. Terry.
Mr. Barrett, with Mr. Rhodes.
Mr. Patman, with Mr. Michel.
Mr Nichols, with Mr. Martin.
Mr. Wright, with Mr. Devine.
Mr. Gallagher, with Mrs. Dwyer.
Mr. Brademas, with Mr. Crane.
Mr. Long of Maryland, with Mr. Nelsen.
Mr. Bingham, with Mr. Halpern.
Mr. Pryor of Arkansas, with Mr. Derwinski.
Mr. Morse, with Mrs. Reid of Illinois.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.".

A motion to reconsider was laid on the table.

POINT OF ORDER

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will state to the gentleman from California that a quorum has just been established.

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk will read the report.

The Clerk proceeded to read the conference report.

(For conference report and statement, see proceedings of the House of September 29, 1971.)

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON. I object.

The SPEAKER. Objection is heard.

The Clerk proceeded to read the conference report.

CALL OF THE HOUSE

Mr. BURTON. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair has not established a quorum, is counting, and cannot recognize the gentleman.

One hundred and eighty-one Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. ADAMS. Mr. Speaker, before the call starts, a parliamentary inquiry.

The SPEAKER. The Chair is without authority to recognize any Member for a parliamentary inquiry during the establishment of a quorum.

Mr. ADAMS. Mr. Speaker, before the call started, I asked for recognition to make a parliamentary inquiry.

The SPEAKER. The Chair cannot recognize for a parliamentary inquiry during the establishment of a quorum.

The clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 286]

Abbitt	Ford, William D.	Mollohan
Abourezk	Fraser	Mosher
Addabbo	Frelinghuysen	Moss
Alexander	Fulton, Pa.	Murphy, N.Y.
Anderson, Tenn.	Garmatz	Nichols
Andrews, Ala.	Giaimo	Passman
Annunzio	Gibbons	Patman
Ashbrook	Gross	Pettis
Ashley	Gubser	Podell
Baring	Gude	Poff
Barrett	Halpern	Powell
Bell	Hanley	Preyer, N.C.
Betts	Hanna	Price, Ill.
Blanton	Hansen, Wash.	Pryor, Ark.
Blatnik	Harsha	Railsback
Brademas	Hawkins	Rhodes
Brasco	Hébert	Riegle
Broyhill, Va.	Hicks, Mass.	Rodino
Burlison, Mo.	Holifield	Rooney, N.Y.
Byrne, Pa.	Howard	Rooney, Pa.
Byrnes, Wis.	Hull	Runnels
Cabell	Hungate	Ruppe
Casey, Tex.	Hutchinson	Skubitz
Celler	Ichord	Slack
Chisholm	Kastenmeier	Smith, Calif.
Clark	Keith	Smith, N.Y.
Clawson, Del	King	Staggers
Clay	Landrum	Stanton, James V.
Conable	Leggett	Steele
Conyers	Lennon	Steiger, Wis.
Daniels, N.J.	Lloyd	Stephens
Danielson	Long, La.	Stuckey
Delaney	Long, Md.	Teague, Tex.
Denholm	Lujan	Terry
Dent	McClory	Thompson, N.J.
Devine	McCloskey	Tiernan
Diggs	McCollister	Waldie
Dowdy	McCulloch	Whitehurst
Downing	McDonald, Mich.	Whitten
du Pont	McKinney	Widnall
Dwyer	Martin	Wiggins
Edwards, Calif.	Melcher	Wilson, Bob
Edwards, La.	Metcalfe	Wright
Erlenborn	Mikva	Wyman
Eshleman	Miller, Calif.	Young, Fla.
Evans, Colo.	Mills, Ark.	Zwach
Evins, Tenn.	Mills, Md.	
Findley	Minish	
Flynt	Minshall	
Ford, Gerald, R.	Mizell	

The SPEAKER. On this rollcall, 285 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. BURTON. Mr. Speaker, I object.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read. Any Member who wants to vote against it can vote against it.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

POINT OF ORDER

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred nineteen Members are present, a quorum.

The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON of California. Mr. Speaker, I object.

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. BURTON (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred twenty-four Members are present, a quorum.

The Clerk will read.

The Clerk concluded the reading of the conference report.

The SPEAKER. The gentleman from Texas (Mr. POAGE) is recognized.

Mr. POAGE. Mr. Speaker, you have just heard the whole report and I think you surely now understand this is a good report and carries out practically everything the House had in the bill in the first place. We have come back with every member of the conference signing the report. We believe we have a good report. I hope it will be approved with a minimum of delay.

Mr. Speaker, I yield 30 minutes to the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Speaker, this is a good bill—let us vote.

Mr. DELLUMS. Mr. Speaker, it is utter hypocracy for our Government—and our national leaders—to espouse justice, equality, and freedom for American citizens while fostering policies which blatantly and tragically deny these ideals to citizens of other nations.

Yet, once again, we are asked to approve a U.S. Government subsidy to the racist and oppressive Republic of South Africa—a government which practices some of the most ugly and repressive acts upon its citizens of any nation in history.

The South African sugar quota is a quota of blood, violence, and racism. I cannot support legislation with such prejudice—all for the sake of possible lower prices for U.S. consumers.

It is indeed shameful for this body to be involved in supporting South Africa in anything—and I assure you that I will do all I can to hamper the apartheid South Africans and to limit U.S. business concerns doing business in that country.

Mr. GOODLING. Mr. Speaker, I assume each Member has received a letter from our colleague, the gentleman from Michigan, Congressman DIGGS, similar to one I have received.

In it he deplores the sugar quotas given to South Africa.

Let me first say the conference committee took the lowest possible available figure. The House version called for 60,300 tons. The Senate granted a quota of 57,745 tons. The conference committee report calls for 57,745.

Before dealing with South Africa, let us briefly look at some of its black neighbors:

The present bill gives the Malagasy Republic 9,623 tons. The committee compromised on 12,149 tons.

Swaziland now has a quota of 7,359 tons. The report we are considering raises this quota to 30,150 tons.

Malawi presently has no quota. Starting in 1973 this country will have a quota of 15,000 tons.

Uganda presently has no quota. This report gives it a quota of 15,075 tons.

Can anyone say the black neighbors of South Africa were neglected?

Now to specifically refute some of the statements made by Congressman DIGGS.

To avoid confusion, I insert his letter in the RECORD at this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1971.

DEAR COLLEAGUE: The Conference report on the Sugar Act Amendments of 1971 is expected to come up for a vote on Monday, October 4. The quota for developed, racist South Africa continues to be part of this bill.

I want to remind you that there is no political or economic justification for a sugar quota for South Africa, with its fully operating industrial complex. Sugar exports to all countries comprise only 2.5% of South Africa's total exports.

The United Nations has pronounced its political system, apartheid, a "crime against humanity".

The United States' bonanza for South African foreign exchange has benefited neither the black sugar grower nor the field worker. Of the $3.9 million premium paid to South Africa in 1969, for example, only about *$60 thousand* went to black growers.

Nor do the exploited field workers fare better. As I personally witnessed during my recent visit to a South African sugar estate, housing conditions of the workers are deplorable. They are paid $14 a month. They work from sun-up to sun-down, on a diet of mealie-meal, with meat served only in the Saturday afternoon meal. Facilities are segregated—the visitors' reception complex, the hospital, the payroll lines, and so on.

The visit of our study mission to the grounds of a sugar estate was arranged by the Indian leader, Mewa Rambogin, husband of Ghandi's granddaughter. I am reasonably certain that this was an important factor in the banning action taken against Mr. Rambogin last week by the South African government. Under the banning order, Mr. Rambogin is under limited house arrest for five years, he is prohibited from attending political, social, and education meetings, and he must report to the police weekly.

The American housewife has to pay premium prices for sugar; the production capacity of the American domestic market is held down to provide this subsidy; and American labor is competing with the "slave" labor system of South Africa.

For all these reasons, if the parliamentary situation permits of any way to register your opposition to this measure, I would earnestly urge you to do so.

Sincerely,

CHARLES C. DIGGS, Jr.,
Member of Congress.

Let me answer just three categories.

First. Congressman DIGGS claims in the second paragraph that "there is no political or economic justification for a sugar quota to South Africa:

South Africa Sugar Association (SASA) dependability as a supplier and its demonstrated ability to fulfill its contractual obligations under the present Sugar Act was best summarized by the Chairman of the House Agriculture Committee, the Honorable W. R. POAGE, when he said:

Of all the countries in the world, South Africa probably has indicated a greater determination to provide the United States with all the sugar that we sought to receive from them than any other country in the world." (*Congressional Record*. June 10, 1971, p. H5002.)

The House Agriculture Committee in early 1971 set standards for assigning sugar quotas for the next 3 years. These included political and economic criteria.

In the light of this record it is almost superfluous to point out that one of the other important criteria for economic justification was the balance-of-trade picture. In view of the U.S. precarious international trade posture the fact that this country enjoys a favorable balance of trade with South Africa, which amounts to $1 million a day and has enjoyed a favorable balance of trade with South Africa for $1 billion in the last 5 years, provides ample economic justification for favorable consideration of South Africa.

Second. In the fourth paragraph, Congressman DIGGS asserts that sugar quotas has benefited neither the black sugar grower nor the fieldworker.

This statement overlooks the fact that in 1970 the number of independent black farmers producing 500 tons or more of sugar had doubled during the life of the present Sugar Act. In addition, because of the industry's encouragement of the small independent grower, both by subsidies provided by SASA and by technical and agricultural extension assistance, the average yield for the independent small black grower has more than doubled during this same timespan.

During the same 5-year period the number of independent black growers increased by 20 percent to a total of 4,400.

Third. Congressman DIGGS discusses working and living conditions in his fifth paragraph, based on a 2-hour observation of the industry.

Congressman DIGGS claims that fieldworkers are: First, paid only $14 a month; second, are required to work from sunup to sundown; and third, have a diet of mealie-meal with meat provided only once a week.

The facts are otherwise. As shown in the figures supplied to the U.S. Embassy at Pretoria, the average wage for all fieldworkers, although varying from area to area, is $1.67 per day. A conservative estimate of benefits provided to the fieldworkers, including food, housing, and free medical care, bring this average figure up to $3 per day.

The average workday for fieldworkers is 5 to 6 hours, 6 days a week. On the Phoenix estate visited by Congressman DIGGS, the workday for fieldworkers is 8 hours.

On the same sugar estate—Phoenix—each fieldworker is provided 3 pounds of meat per week along with ample rations of fish, potatoes, and other locally grown vegetables.

Although Congressman DIGGS considers the housing he saw deplorable, the fact is that South Africa's biggest problem is in-migration from surrounding African countries, which suggests that others do not share his view of living conditions.

The living and working conditions of fieldworkers in the South African sugar industry are demonstrably higher than in any other African cane-producing nation and many sugar-producing countries in the Western Hemisphere.

I leave it to your better judgment to determine whether or not all the statements made were factual.

Mr. McKAY. Mr. Speaker, at the time the Committee on Agriculture was considering the Sugar Act I submitted a statement of support for it. It was my hope that the act would be amended to require the Secretary to make his initial consumption estimate in October, rather than allowing it anywhere in the last quarter. I am pleased that the bill in final form contains that change.

This act is of special importance in those areas, like Utah, where the raising of sugar beets has become a substantial part of its agricultural efforts. Often, when one segment of our economy seeks protection or regulation, it can only be provided at the expense of some other interest, or of the taxpayer generally. It has been argued that the Sugar Act is no exception, and that consumers pay higher prices because of this legislation. The arguments in support of that position are speculative at best, for the evidence appears to show just the opposite.

It is interesting to compare the price our consumers pay for sugar to those paid by Japanese consumers. Japan acquires most of its sugar from the world market and yet Japanese consumers pay—and have paid—considerably more

for sugar than American consumers. And, in addition, they are subjected to prices which fluctuate drastically. Yet even though prices change substantially from year to year in Japan, the price of sugar to the Japanese consumer has never been lower than the price of sugar to the American consumer. It is especially noteworthy that the program imposes no burden on the taxpayer since the revenues supporting it are generated by the program itself.

Nearly every country in the world imposes some sort of restriction on the free sale of sugar. For this reason comparison of our system to the world market is unrealistic. I am pleased that the system of regulation developed in this country has served us so well.

I believe the conferees have done a fine job, as I did the Agriculture Committee of the House. I am pleased to have my vote recorded in favor of extension of the Sugar Act.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

Mr. BURTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. The gentleman waited too long.

The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred ninety-one Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 195, nays 91, not voting 145, as follows:

[Roll No. 287]

YEAS—195

Abbitt	Carter	Gaydos
Abernethy	Cederberg	Gettys
Adams	Chamberlain	Goldwater
Andrews, N. Dak.	Clausen, Don H.	Gonzalez
Arends	Collier	Goodling
Aspinall	Collins, Tex.	Gray
Belcher	Colmer	Green, Oreg.
Bennett	Daniel, Va.	Griffin
Bergland	Davis, Ga.	Hagan
Bevill	Davis, S.C.	Haley
Biaggi	de la Garza	Hamilton
Blackburn	Dickinson	Hammer-schmidt
Boggs	Donohue	Hansen, Idaho
Boland	Dorn	Harsha
Bow	Downing	Harvey
Brinkley	Dulski	Hathaway
Brooks	Edmondson	Hays
Brotzman	Edwards, Ala.	Henderson
Brown, Mich.	Esch	Hicks, Wash.
Brown, Ohio	Fascell	Hillis
Buchanan	Fisher	Hogan
Burke, Fla.	Flood	Horton
Burke, Mass.	Flowers	Hosmer
Burleson, Tex.	Foley	Howard
Burlison, Mo.	Fountain	Hull
Byron	Frenzel	Hunt
Cabell	Frey	Johnson, Calif.
Caffery	Fulton, Tenn.	Johnson, Pa.
Camp	Galifianakis	Jonas
Carey, N.Y.	Gallagher	Jones, Ala.
Jones, N.C.	Natcher	Sisk
Jones, Tenn.	Nelsen	Smith, Iowa
Karth	O'Neill	Spence
Kazen	Patten	Staggers
Kee	Pepper	Stanton, J. William
Keith	Perkins	Steed
Kemp	Pettis	Steiger, Ariz.
Kluczynski	Peyser	Stratton
Kuykendall	Pickle	Stubblefield
Kyl	Pirnie	Talcott
Kyros	Poage	Taylor
Landgrebe	Price, Tex.	Teague, Calif.
Latta	Pucinski	Terry
Link	Purcell	Thompson, Ga.
McClure	Quie	Udall
McCormack	Quillen	Vander Jagt
McDade	Rarick	Veysey
McEwen	Reid, Ill.	Vigorito
McFall	Roberts	Waggonner
McKay	Robinson, Va.	Wampler
McKevitt	Rogers	Ware
McMillan	Roncalio	White
Mahon	Rostenkowski	Whitehurst
Mailliard	Roush	Williams
Mathis, Ga.	Roy	Wilson, Charles H.
Matsunaga	Ruth	Winn
Mazzoli	Sandman	Wolff
Meeds	Satterfield	Wyatt
Michel	Scherle	Wylie
Miller, Ohio	Scott	Yatron
Mink	Sebelius	Young, Tex.
Monagan	Seiberling	Zablocki
Montgomery	Shipley	Zion
Morgan	Shoup	
Murphy, Ill.	Shriver	
Myers	Sikes	

NAYS—91

Abzug	Drinan	Obey
Anderson, Calif.	Duncan	O'Hara
Anderson, Ill.	Eckhardt	O'Konski
Archer	Eilberg	Pike
Aspin	Fish	Randall
Badillo	Forsythe	Rangel
Baker	Fraser	Rees
Begich	Grasso	Reid, N.Y.
Biester	Green, Pa.	Reuss
Bingham	Grover	Robison, N.Y.
Bolling	Hall	Roe
Bray	Harrington	Rosenthal
Broomfield	Hastings	Rousselot
Broyhill, N.C.	Hechler, W. Va.	Roybal
Burton	Heckler, Mass.	Ruppe
Clancy	Helstoski	Ryan
Cleveland	Jacobs	St Germain
Collins, Ill.	Jarman	Sarbanes
Conte	Kastenmeier	Saylor
Corman	Keating	Scheuer
Coughlin	Koch	Schmitz
Crane	Macdonald, Mass.	Schneebeli
Culver	Madden	Schwengel
Davis, Wis.	Mann	Snyder
Dellenback	Mayne	Thomson, Wis.
Dellums	Mitchell	Van Deerlin
Dennis	Moorhead	Vanik
Derwinski	Morse	Whalen
Dingell	Nedzi	Whalley
Dow	Nix	Wydler
		Yates

NOT VOTING—145

Abourezk	Delaney	Hawkins
Addabbo	Denholm	Hébert
Alexander	Dent	Hicks, Mass.
Anderson, Tenn.	Devine	Holifield
Andrews, Ala.	Diggs	Hungate
Annunzio	Dowdy	Hutchinson
Ashbrook	du Pont	Ichord
Ashley	Dwyer	King
Baring	Edwards, Calif.	Landrum
Barrett	Edwards, La.	Leggett
Bell	Erlenborn	Lennon
Betts	Eshleman	Lent
Blanton	Evans, Colo.	Lloyd
Blatnik	Evins, Tenn.	Long, La.
Brademas	Findley	Long, Md.
Brasco	Flynt	Lujan
Broyhill, Va.	Ford, Gerald R.	McClory
Byrne, Pa.	Ford, William D.	McCloskey
Byrnes, Wis.	Frelinghuysen	McCollister
Carney	Fulton, Pa.	McCulloch
Casey, Tex.	Fuqua	McDonald, Mich.
Celler	Garmatz	McKinney
Chappell	Giaimo	Martin
Chisholm	Gibbons	Mathias, Calif.
Clark	Griffiths	Melcher
Clawson, Del	Gross	Metcalfe
Clay	Gubser	Mikva
Conable	Gude	Miller, Calif.
Conyers	Halpern	Mills, Ark.
Cotter	Hanley	Mills, Md.
Daniels, N.J.	Hanna	Minish
Danielson	Hansen, Wash.	Minshall
Mizell	Riegle	Sullivan
Mollohan	Rodino	Symington
Mosher	Rooney, N.Y.	Teague, Tex.
Moss	Rooney, Pa.	Thompson, N.J.
Murphy, N.Y.	Runnels	Thone
Nichols	Skubitz	Tiernan
Passman	Slack	Ullman
Patman	Smith, Calif.	Waldie
Pelly	Smith, N.Y.	Whitten
Podell	Springer	Widnall
Poff	Stanton, James V.	Wiggins
Powell	Steele	Wilson, Bob
Preyer, N.C.	Steiger, Wis.	Wright
Price, Ill.	Stephens	Wyman
Pryor, Ark.	Stokes	Young, Fla.
Railsback	Stuckey	Zwach
Rhodes		

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Diggs against.

Mr. Hébert for, with Mrs. Hicks of Massachusetts against.

Mr. Passman for, with Mr. Clay against.

Mr. Martin for, with Mr. Gude against.

Mr. Melcher for, with Mr. Bob Wilson against.

Mr. Hanna for, with Mr. Wiggins against.

Mr. Annunzio for, with Mr. Mosher against.

Mr. Blanton for, with Mr. Del Clawson against.

Mr. Blatnik for, with Mr. Devine against.

Mr. Brasco for, with Mr. du Pont against.

Mr. Byrne of Pennsylvania for, with Mr. Frelinghuysen against.

Mr. Hanley for, with Mr. Hutchinson against.

Mrs. Hansen of Washington for, with Mr. King against.

Mr. Slack for, with Mr. Ashley against.

Mr. Stephens for, with Mr. Brademas against.

Mr. Stuckey for, with Mr. Lent against.

Mr. Betts for, with Mr. Conable against.

Mrs. Dwyer for, with Mr. Gibbons against.

Mr. Gubser for, with Mr. Hawkins against.

Mr. Lloyd for, with Mr. Hungate against.

Mr. Lujan for, with Mr. Thompson of New Jersey against.

Mr. Mathias of California for, with Mr. McDonald of Michigan against.

Mr. Minshall for, with Mr. McKinney against.

Mr. Mizell for, with Mr. Pelly against.

Mr. Rhodes for, with Mr. Railsback against.

Mr. Skubitz for, with Mr. Riegle against.

Mr. Steele for, with Mr. Eshleman against.

Mr. Casey of Texas for, with Mr. Stokes against.

Mr. Chappell for, with Mr. Ichord against.

Mr. Daniels of New Jersey for, with Mr. Mikva against.

Mr. Danielson for, with Mr. Edwards of California against.

Mr. Dowdy for, with Mr. Cotter against.

Mr. Teague of Texas for, with Mr. McClory against.

Mr. Ullman for, with Mr. Erlenborn against.

Mr. Steiger of Wisconsin for, with Mr. Fulton against.

Mr. Young of Florida for, with Mr. Halpern against.

Until further notice:

Mr. Abourezk with Mr. Finley.

Mr. James V. Stanton with Mr. Thone.

Mr. Long of Maryland with Mr. Poff.

Mr. Leggett with Mr. Bell.

Mr. Miller of California with Mr. Gerald R. Ford.

Mr. Conyers with Mr. Symington.

Mrs. Chisholm with Mr. William D. Ford.

Mr. Waldie with Mr. Metcalfe.

Mr. Baring with Mr. Broyhill of Virginia.

Mr. Alexander with Mr. Powell.

Mr. Rodino with Mr. Widnall.

Mr. Price of Illinois with Mr. Springer.
Mr. Garmatz with Mr. Ashbrook.
Mr. Patman with Mr. Byrnes of Wisconsin.
Mr. Mills of Arkansas with Mr. Gross.
Mr. Mollohan with Mr. McCulloch.
Mr. Hollfield with Mr. McCloskey.
Mr. Whitten with Mr. Wyman.
Mr. Delaney with Mr. Smith of New York.
Mr. Runnels with Mr. Mills of Maryland.
Mr. Denholm with Mr. McCollister.
Mrs. Sullivan with Mr. Zwach.
Mr. Addabbo with Mr. Wright.
Mr. Anderson of Tennessee with Mr. Rooney of Pennsylvania.
Mr. Tiernan with Mr. Landrum.
Mr. Minish with Mr. Pryor of Arkansas.
Mr. Dent with Mr. Lennon.
Mr. Andrews of Alabama with Mr. Long of Louisiana.
Mr. Barrett with Mr. Nichols.
Mr. Murphy of New York with Mr. Fuqua.
Mrs. Griffiths with Mr. Podell.
Mr. Preyer of North Carolina with Mr. Flynt.
Mr. Evins of Tennessee with Mr. Carney.
Mr. Giaimo with Mr. Evans of Colorado.
Mr. Celler with Mr. Moss.
Mr. Clark with Mr. Edwards of Louisiana.

Mr. SEIBERLING changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I have taken this time to announce to the House a change in our program.

We had originally scheduled the so-called equal rights for men and women amendment for consideration on Thursday, for the adoption of the rule and debate on the amendment. We have moved up both the adoption of the rule and some of the general debate until Wednesday next.

OVERSIGHT HEARINGS BY SPECIAL SUBCOMMITTEE ON LABOR TO EXAMINE ADMINISTRATION OF THE SERVICE CONTRACT ACT OF 1965

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to announce to my colleagues that the Special Subcommittee on Labor will hold further oversight hearings on October 13 and 14, to examine the Labor Department's administration of the Service Contract Act of 1965.

This is an act designed to protect the wages and working conditions of service employees such as guards, restaurant workers, janitors, and other employees performing housekeeping functions under Government contracts.

As a result of a series of oversight hearings held this spring, the subcommittee published a unanimous interim report on August 31 which said, to quote from section 2, "Findings and conclusions":

> The subcommittee found that the act is being so interpreted and so administered as to substantially thwart the intent of the Congress in enacting it.

In spite of what we told administration officials when they testified before us in the spring, and in spite of the sharp words and specific recommendations in the subcommittee's report, we have discovered, to our dismay, that the same failures to administer the act properly continue, almost as if our hearings never took place.

We were very critical in the spring, for example, of the Secretary of Labor's failure to apply the virtually mandatory blacklisting provisions of the act to one of the most flagrant and notorious violators of the act. We criticized him on April 6 because he had been delaying a decision since September of 1970. I have discovered today that the Secretary has decided not to blacklist this firm.

We also reported on a support service contract renegotiation at the Kennedy Space Center which resulted in large-scale wage-cutting and loss of jobs for hundreds of employees. We concluded: "What is very clear is that NASA deliberately set out to cut the wages of service workers, and the protections of the Service Contract Act were unavailable because of nonfeasance on the part of the Department of Labor." We called it "a tragic symbol of what is happening to service employees at the hands of unsympathetic Government officials."

What effect did our findings have on the Department of Labor and other Government agencies? Apparently none. We have now learned that the Department has refused to issue a wage determination to cover service workers for a pending contract renegotiation at the Air Force eastern missile range in Cocoa Beach, Fla., a contract involving over 5,000 workers. We can foresee a repeat of the tragic events at Cape Kennedy on an even larger scale.

The sheer effrontery of this decision has convinced me of two things. First, we have to increase congressional oversight efforts to curb the usurpation and abuse of the grants of power we give to the executive branch. Second, although I am a firm believer in giving the executive branch a great deal of discretion in carrying out programs to meet circumstances we may not foresee, the history of this act's administration has convinced me that we are going to have to substantially amend it to insure that it is properly administered.

THE HONORABLE RICHARD H. POFF OF VIRGINIA

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, it is with a sense of sorrow that I rise to address the House of Representatives today.

Sorrow because one of the most distinguished Members of this body has removed his name from consideration as a possible nominee to the highest court in the land.

I rise not as a spokesman for any vested interest group and not even as a fellow member of the bar with him. Rather, I rise because he is a man for whom I have had great personal respect and admiration since long before I became privileged to call him colleague.

The distinguished gentleman from Virginia (Mr. POFF) has long been regarded by many people on both sides of the aisle in this body and by many others in the academic and in the legal fields throughout the Nation as one of the outstanding constitutional law experts in the United States. This reputation is apparently well-earned as two other Members of this body, the distinguished gentleman from Ohio (Mr. MCCULLOCH) and the dean of the House of Representatives (Mr. CELLER)—two gentlemen who were frequently on opposite sides of the issue in many debates over the past several decades which have come before this body, nonetheless publicly and unqualifiedly endorsed him for membership on the highest court in the Nation. The former governor of California, a member of the other party, who worked closely over many months with the gentleman from Virginia also publicly endorsed him for this office.

And yet the raucus cacaphony of self-seeking individuals, who claim to represent various vested interest groups, and some Members in the other body had prevailed upon this man of high personal honor and integrity to save the Nation another battle and to put his own personal hopes and dreams aside.

I might add that despite the intensive scrutiny to which he has been subjected, no question was ever raised about the personal integrity or honor of this distinguished gentleman. The only claim that could be made by his opponents was that they disagreed with his political philosophy.

What a sad commentary it is that many of these same individuals who would oppose his political views, were the first to support a former Supreme Court Justice who had to resign under pressure. These same individuals whose voices were mute on that occasion are now pleased to have stopped my colleague, or even more hypocritically, are today applauding his decision to step aside as a noble gesture—these same individuals who only 3 or 4 days previously were saying this distinguished gentleman was incapable of any noble gestures.

Mr. Speaker, it grieves me that my colleague arrived at the decision he did. He would have made an outstanding addition to the Supreme Court.

I am proud to call the distinguished gentleman from the Sixth District of Virginia my "colleague."

HEARINGS SET ON CONSENT TO NEW YORK-NEW JERSEY AIRPORT COMMISSION COMPACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary, of which I am chairman, wishes to announce 2 days of public hearings on House Joint Resolution 375, House Joint Resolution 404, and House Joint Resolution 433, identical measures granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes.

This legislation would authorize the Waterfront Commission of New York Harbor—to be known as the "Waterfront and Airport Commission of New York and New Jersey"—to exercise regulatory powers at airports in New York and New Jersey, in addition to those powers now exercised by the Commission on the Waterfront of New York Harbor. Fundamentally, the powers of the Commission involve licensing of employees and related persons and promulgating regulations for the security of air cargo.

Identical measures were considered by the subcommittee during the 91st Congress but the subcommittee did not complete its deliberations. Meanwhile, changes in the composition of Subcommittee No. 3 make it desirable to hold further hearings.

The hearings will begin at 10 a.m. on Thursday, October 14, and at 10:30 a.m. on Friday, October 15, 1971, in room 2226, Rayburn House Office Building. Persons wishing to present their views may make writen submission to the subcommittee.

RICHARD POFF'S DECISION

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, it was most regrettable—yet understandable—that our distinguished colleague from Virginia (Mr. POFF) has requested the President not to submit his name for confirmation as a Justice of the Supreme Court.

The gentleman from Virginia took this action in order to avoid what he described as "a long and divisive confirmation battle," and in order to save his family from the "agonies of such a battle."

It will be recalled that Mr. POFF's name had hardly been mentioned before some college professors, George Meany for the AFL–CIO, the NAACP, all hidebound and locked inside the narrow limits of their own ideologies and predilections, launched a vicious attack. They were looking for a victim, and they found one.

What they appear to be oblivious to is the fact that all men of any prominence have honest views on many subjects. The proper test is their ability to rise above any personal preferences and apply sound and responsible judicial judgment.

When Arthur Goldberg, former general counsel of AFL–CIO, was nominated to the Supreme Court, whose thinking was obviously pro-labor on any issue dealing with interpretation of labor laws, did Mr. Meany complain about possible lack of judicial temperament and openmindedness on the part of Mr. Goldberg?

When Thurgood Marshall, a man who spent his entire professional life fighting for the NAACP and for any and all sorts of civil rights legislation and causes, was nominated by President Johnson, did the NAACP—or the fuzzy-minded law professors—complain because Mr. Marshall might be biased in dealing with those subjects?

How unfair, narrowminded, and utterly ridiculous can they get? These people appear totally incapable of understanding the existence or the meaning of judicial statesmanship. If that line of thinking ever becomes predominant in this country, then God help America.

Many people are asking: Who will the next victim be?

CONGLOMERATES RESHAPE FOOD SUPPLY

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, I should like to take this opportunity to call to the attention of my colleagues a thought provoking article which appeared in the Washington Post on Sunday, October 3, entitled "Conglomerates Reshape Food Supply."

I could not help but note to myself that under existing exemptions it is possible for these conglomerates to avoid paying even a minimum wage to their employees in the Nation's agriculture industry. This is certainly a loophole which must be closed in the existing law.

I am placing in the RECORD at this time, the full text of the article:

CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil, Kaiser Aluminum and Southern Pacific have diverstified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.'"

* * * * *

Large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate forming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farm machinery; Packaging

Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and ultilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledged they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A fullscale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 percent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the waterproject an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. "We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with

Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

"SMALL FARMERS"

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

THE CRISIS IN EMERGENCY MEDICAL TRANSPORTATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, during the past few years, I have watched spirited and dedicated members of the Southern Tier Heart Association in my congressional district design and put into operation the Chemung Country "shockmobile." Although I did not fully understand the significance of this project at its inception, I knew that it would provide a considerable improvement over then-existing emergency medical transportation. As my attention was drawn more closely to the program by its operational successes and as my contacts increased with physicians and medical associations throughout the country who were interested in the Chemung County experiment, I was struck by the fast-accumulating evidence that thousands of our citizens are dying every year, and thousands more are permanently injured or disabled, solely because of unresponsive or inadequate emergency medical transportation.

It may not be surprising to the well-informed; yet, I was given a start when I found that accidental death is the leading cause of death for those between 1 and 37 years of age. The American College of Surgeons has reported that, in 1968, accidents caused more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 cases of permanent disability at a cost of $18 billion.

To the huge caseload created by accidents alone, must be added all other medical emergencies, such as coronary attacks and diseases of old age. Far too many victims of these sudden attacks rely on, and pay for, inadequate and poorly equipped ambulance service, served by untrained or undertrained attendants. Insofar as this service is provided by community volunteers—as is often the case in rural or smaller communities—it is unhappily true that neither their training nor their equipment is on a par with the high motives and admirable dedication of such volunteers. We have asked too much of them and given far too little

My point here needs no strong emotional preface. The fact itself speaks: Too many of our citizens are dying needlessly every day. From studies already completed, and described below, it is conceivable that as many as 20 percent of these accident-induced fatalities could be saved with proper care at the scene of the accident or en route to the hospital. This is not to mention the estimated 25,000 persons who have been reported permanently injured every year by untrained ambulance attendants and rescue workers, a figure which, of itself, demands our consideration.

Rather than merely transporting the patient, the new generation of ambulance, properly manned, can begin treatment to stabilize the patient before he is put in the ambulance, and the patient's condition can be monitored through radio transmission by the receiving hospital. The Chemung County ambulance, which I have mentioned, and several others throughout the country, transmit both verbal information and a continuous electrocardiograph reading to the waiting physician, who is able to prepare the proper medical response while the patient is en route to the hospital.

This new mode of emergency medical transportation, called by some "a hospital on wheels," is not the complete answer to proper emergency response. Such specially equipped vehicles are expensive and would place an excessive financial burden on the small rural community with less than 2,500 population, which is in greatest need of higher quality, emergency medical treatment. Aside from the normal medical emergencies caused by illness, these communities must provide emergency response to an inordinate number of accident victims. It is estimated by the National Academy of Sciences that 70 percent of traffic fatalities occur in such areas. In the small town, it is obvious that the needs of critically injured patients are far outstripping the emergency facilities available, often provided, as I have mentioned, by selfless volunteers.

Mr. Speaker, in the days to come, I hope to further explain the dimensions of our crisis in emergency care; but at this point, with your permission, I would like to insert in the RECORD an article which recently appeared in a special issue of Medical World News devoted to emergency medical care. Titled "The Ambulance Scandal," this article describes both the best and the worst of this Nation's emergency medical transportation services. Since the article is directed primarily at medical professionals, it includes a few "trade terms" such as ED—emergency department—and EMS—emergency medical services. However, these few abbreviations will not confuse the strong case which this article makes for an improved nationwide emergency medical transportation capability.

The article follows:

THE AMBULANCE SCANDAL AND ITS HAZARDS TO LIFE AND HEALTH

In ambulance services, there are centers of excellence like Jacksonville, Fla., Fort Dodge, Iowa, Baltimore, and Miami, but on the average, if a coronary strikes down an American in the street, or if he finds himself with a crushed chest inside a mass of twisted steel on a freeway, the odds are overwhelming that the arriving ambulance will not be equipped—nor will the attendant be trained—to give him the care he needs. Consequently, the doctor in the ED finds his work needlessly complicated—or his best efforts hopeless.

It is certain that many thousands of Americans die or are disabled every year for lack of proper care at the scene of an accident or en route to the hospital. No one can measure the numbers with precision, of course, but projections from studies that have been made indicate that mortality from accidents alone could be reduced by from 10% to 20% by proper care at the scene or en route. Dr. Archer Gordon of Thousand Oaks, Calif., chairman of the American Heart Association's Committee on Cardiopulmonary Resuscitation (CPR), believes that if the public were educated to early recognition of the symptoms of heart attack and if ambulance attendants and EDs generally were capable of prophylactic treatment, at least 30% of

cardiac deaths could be prevented. The Ambulance Association of America has estimated that 25,000 persons are permanently injured or disabled every year by untrained ambulance attendants and rescue workers.

The National Highway Safety Bureau (NHSB), U.S. Department of Transportation, notes the occurrence of "many" needless deaths and disabilities in the introduction to its published Standard II dealing with EMs, and continues: "Few areas of the U.S. now have adequate emergency services. In most areas, there has been inadequate planning of emergency logistics, communications, and transportation facilities, and present services are inadequately managed. Ambulance operators, drivers, and attendants are commonly not required to be expert in first aid, nor are they required in most parts of the country to carry adequate equipment. It is imperative that highway and other emergency services be improved."

The magnitude of the problem may be gauged by the fact that accident is the fourth leading cause of death among all Americans, the first for those aged one to 37. Dr. Oscar P. Hampton Jr. of St. Louis, assistant director for trauma activities of the American College of Surgeons, says that in 1968 trauma resulted in more than 100,000 deaths, ten million cases of temporary disability, and 400,000 of permanent disability at a cost of $18 billion. Trauma patients used more hospital days than all heart patients or all obstetrical patients and more than four times as many as all cancer patients—22 million days in all. That, Dr. Hampton points out, is equivalent to 120 hospitals of 500 beds each. A reduction of just 10% in injuries requiring hospitalization would save more than two million hospital days, free physicians for 8,000 work days, and save $1.6 billion a year.

The bitterest aspect of these staggering figures is that the tragic toll could be so greatly reduced by (1) better accident prevention; (2) better protection of people from the consequences of accidents that do occur through such measures as the "safety packaging" of automobile passengers; and (3) better EMS. The last requires only the application of present knowledge by doctors and the public; no scientific breakthroughs are needed.

"Treatment of trauma in this country is unique in that existing competence is more poorly applied than in the treatment of any other disease," says Dr. William T. Fitts Jr., professor of surgery at the University of Pennsylvania. "The gap between what could be done and what is being done is wider than for any other disease."

Adds a report of the National Research Council: "More than one third of the accident fatalities in the U.S. occur at the scene, in the ambulance, or within minutes after arrival in the ER. Yet for decades, the general public and the medical profession have passively accepted ambulances sufficient only for transporting the injured on a litter, with little or no equipment for emergency care, manned by inadequately trained drivers or attendants." Some specifics:

In the 20 counties of northwestern Ohio, with a population of 1.5 million, "ambulances with some exceptions have only enough room for the patient lying down, with little or no room for an attendant to function. Equipment on most ambulances consists merely of an oxygen tank and mask. There are no splints and backboards, no equipment for resuscitation, heart monitoring, keeping the patient's clogged-up windpipe open, or providing intravenous therapy." So wrote the Toledo *Blade* on May 6, 1970, adding that even had such equipment been available, attendants were not trained to use it.

In Chicago, according to a study made public a few weeks ago by the Chicago Hospital Council, an average of 804 emergency cases are transported to hospitals weekly in police "squadrols"—actually paddy wagons that may carry drunks and prisoners with the patients. "Oxygen cannot be given to the 35 cardiac cases per week, nor to the 51 cases of seizures-convulsions, nor to the 21 unconscious cases per week," says the council. "The fractures of the 179 external limb injuries per week could not be splinted nor the 200 laceration cases per week temporarily cared for." The situation, says the report, "presents a substantial threat to the health and even life of the patients transported."

A 1968 University of Iowa study of ambulance service in that state revealed that 59.9% of the services were run by undertakers. Of these, only half required any first aid training at all of prospective employees, and 80% had no regular in-service training; 48.3% gave no first aid "in bad cases" before the patient was picked up, and 29.5% gave none at all, "because our business is transportation." Some 29% of the vehicles were station wagons and another 29% of all ambulances were more than ten years old. About 60% carried no splints. Only 48% of the operators bothered to clean the medical equipment after each use. "These data for Iowa are little different from those gathered in other states," commented the study's author, Lyle L. Shook. "The picture of ambulance service is very discouraging."

A University of Michigan team headed by surgeon Charles F. Frey examined the autopsy protocols of 159 patients who died of motor vehicle accidents in Washtenaw County. Of the victims, 28—18%— might have been salvaged and returned to society in much their previous state of health had the equipment and capability to start I.V. therapy and to perform endotracheal intubation and aspiration for tension pneumothorax been available at the accident scene or enroute to the hospital. Another nine victims were listed as possibly salvageable.

North Carolina began in 1968 strict enforcement of a highway safety program, including minimum standards for ambulance equipment and attendant training. There were 50 fewer highway deaths in 1969, while 1970 is running 100 deaths below the 1969 rate, though no other state in the union shows a significant decline, according to state epidemiologist Martin P. Hines.

Most of the ambulance services in this country were started by undertakers, who operated them at a loss. The work fell to the undertaker partly because in the early days of the automobile, he usually had the only vehicle in town capable of transporting a horizontal patient, partly because he was often a genuinely public-spirited citizen, and partly because running the ambulance gave the operator the inside track on some profitable business if the patient died.

The gruesome conflict of interest between losing money on an ambulance call and making money on a funeral is obvious and is the basis for many horror stories. Undertakers have been accused of not doing their best for critically ill patients and even of deliberately letting them die. At some disaster scenes, undertaker-ambulances have taken away the dead and left the injured living to wait.

The economics of ambulance service tend to encourage the unscrupulous. "I don't know of an emergency ambulance service in the country that charges its full cost," says Dr. Henry C. Huntley, director of the Public Health Service's Division of Emergency Health Services. "They're all subsidized one way or another—by government, by volunteers, by the advertising value to funeral directors." Aside from the amount of charges, the percentage of collections is very low. Frederick J. Lewis, assistant chief of the NHSB's emergency medical program, puts the national average collection ratio at 60% to 65% and says it is as low as 10% in some areas of the South.

Faced with this situation, even the best-intentioned undertakers have rarely been able to furnish satisfactory service. Willingly or not, they have felt forced to hire the cheapest possible labor and to keep costs for equipment and training to the absolute minimum. When, in 1966, federal law began to require a minimum wage of $1.60 an hour for attendants, and Medicare added some paper work costs, funeral directors began to go out of the ambulance business in numbers. In states where minimum standards for equipment and training have been introduced, the process was accelerated. In 1965, 83% of North Carolina's service was provided by more than 1,200 undertakers. Only 120 of them remain in the ambulance business today.

Those who do remain are hurting. An exhaustive study made in 1968 for the NHSB found that the three quarters of the undertaker-operated services were losing money only 4% reported making a profit, and one third said they would go out of business when the national highway standard became effective in their states. More than 10% of the 2,298 municipalities and counties responding (covering 47% of the U.S. population) said the type of purveyor of their ambulance services had changed in the previous five years. By far the largest group discontinuing service were undertakers, who were replaced by commerical services, branches of local government, volunteers, or not at all.

Despite their shrinking numbers, undertakers continue to operate about half of the ambulance services in the U.S. Commercial services have their troubles, too. The NHSB study reported that more than a fourth of them were losing money, and only 23% claimed to make a profit on ambulance services. (Most of the latter have a large volume of profitable nonemergency transfers.) Like the undertakers, commercial operators often depend upon other income for profit. Some operate as arms of medical supply houses, selling or renting such items as wheelchairs, crutches, and braces.

Pete Holden operates the ambulance in Covington, La., in conjunction with his service station and auto-wrecking business. He serves a population of 12,000 to 15,000 in and around Covington and makes about 36 runs a month. Holden was sued a while ago—a widow claims that her husband would have lived if he had been given oxygen—and court action is still pending. This was too much for Pete, who was losing money on the service anyway. He asked the police jury—which runs the parish (county) government—for a subsidy. When they turned him down, he quit.

Two other ambulance services came into town, both went broke, and Covington was without service for two months. So Holden opened up again, but with a grim new rule covering his $12-to-$15 charges. "I used to collect only 40% to 50%, but now I ask for the money right away and collect about 75%," he says. "About half the people who don't pay can, but just don't. Lot's of 'em just won't pay—until the next time they need you. They say they've got a lawsuit coming up or they're waiting for an insurance settlement. Medicare pays 80%, but they've got so many papers that I just don't fool with that. I'd rather let the people pay and then let them collect. Mostly what I lose I pick up on the wrecks. I figure I break about even now."

Commercial ambulance service varies from excellent to atrocious. Last June, the Chicago *Tribune* ran a blistering exposé of some of the private services, calling them "misery merchants" and "profiteers of human suffering." The articles told of attendants demand-

ing $40 from a man suffering from an apparent heart attack; when they found he had only $2 in cash, they stole that and left him. Other incidents included the stories of an epileptic with a fractured hip who lay for two hours in a police "squadrol" waiting for the arrival of a private ambulance whose crew paid off the cops with $10; of a woman who had just suffered a miscarriage being forced to walk downstairs from the third floor; of an attendant pretending to give a woman oxygen so that a $10 extra fee could be charged, but actually turning off the valve.

Interestingly, the *Tribune* was tipped to the story by operators of some of Chicago's better private services, because the miscreants were giving the industry a bad name.

Volunteers provide about a quarter of American ambulance service, mostly in small towns. The system has both advantages and disadvantages. "They are highly motivated people, but it may take as many as 30 of them to provide two-man, round-the-clock, seven-day service," says NHSB's Lewis. "That means you have to invest more money in training. Wisconsin has contracted with us to buy 50 ambulances in the next two years (under a federal 50-50 matching program), and they're bringing in people from the villages to give them 70 hours of training.

"The villages are paying the local half of the cost, not the state. And since the law says that the money must come from public funds, the volunteers are raising it by every means from cake sales to door-to-door canvassing, and then donating it to the town or county."

Finally, about 25% of American ambulance service is provided by local government, usually through the police, fire department, or sheriff's office. (Only about 2% of service is provided through hospitals.) The quality of publicly provided service ranges from excellent, as in Baltimore, where the emergency medical technicians (EMTs) are the elite of the fire department, to the disgracefully low level provided by the police of Chicago (which also provides a better service through its fire department).

Why is the caliber of ambulance service generally so low, when statistically each of us may need it twice in his lifetime and all of us daily face the possibility of "death in a ditch"? as orthopedist Joseph D. Farrington, of Minocqua, Wis., and long-time crusader for better emergency medical services, puts it.

"I think there's only one problem, and it's economic," says Dr. Huntley of the PHS. "We're getting used to the $100-a-day hospital room, but the public in general has not accepted that if you're going to be given effective emergency care in the first hour, it's going to cost about $75 on the average across the country. If you say to somebody, "Pay $75 for a five-mile ride," he'll tell you you're out of your mind. The first job is to educate the public to the fact that what happens in that first hour may be more important than all that follows."

Three are no secrets to the operation of a good service; the elements have been known for years. First of them is adequate communications, including central dispatching, two-way radio between ambalances and hospitals, and means of instant communication between hospitals. Yet only 125 communities in the U.S. have central dispatch. (In Columbus, Ohio, a person needing an ambulance can choose from among 45 services listed in the Yellow Pages.) Only 2% of U.S. hospitals have two-way radios.

Second is an adequate vehicle with a body large enough for its purpose and a ceiling high enough to permit an I.V. to drip and an attendant to work standing up. The National Research Council has prepared criteria for NHSB.

Third is adequate equipment, lists of which have been published by both the American College of Surgeons and the NRC.

Fourth is logistics. Ambulances should be stationed in places from which they can quickly and efficiently cover their assigned territories, and patients should be taken, not necessarily to the nearest hospital, but to the nearest one with an ED capacity to handle the problem.

Last is the item without which all others are useless—training. In New York State, a barber must have a year's training and a year's apprenticeship; an ambulance attendant 30 hours. In Washington, D.C., there are pages of law, covering the requirements for barbers and beauticians; the sole requirement for an amblance attendant is possession of a valid chauffeur's license. In places where training is required, it most commonly is no more than the Red Cross advanced first aid course.

The NAS–NRC has developed guidelines for a minimum course of 70 hours, but Dr. Huntley estimates that no more than 5% of all ambulance attendants have that much training. The American College of Surgeons, the American Academy of Orthopaedic Surgeons, and the American Heart Association have active training programs, and the NHSB has published a course consisting of 71 hours of classroom lessons plus ten hours of in-hospital work. It is based on a textbook just published by the AAOS, *Emergency Care and Transportation of the Sick and Injured.* (The book is availalbe for $4.95 from the AAOS, 430 N. Michigan Ave., Chicago, Ill. 60611.)

The way in which these elements can be combined is nowhere better illustrated than in Jacksonville, Fla. Starting from literally nothing just three years ago, Jacksonville has built what is generally considered to be the best ambulance service in the country. The city used to be served by undertakers, and the service was scandalously bad. When a local television station ran a scathing exposé, the undertakers quit in a body and without notice in November, 1967. An hour later, the fire department began service with three station wagons hastily equipped with stretchers. Fortunately, the firemen had all had at least advanced Red Cross training.

At the same time that the city was thrown on its own, an event unusual in local government was occurring. The Duval County government was abolished, its functions were merged into the city government, and the city limits were extended to the county lines, creating geographically the largest city in the world, with 525,000 people living in 848 square miles. More than 50,000 servicemen and students from three military bases and two colleges, plus very heavy transient traffic from six million Yankee tourists traveling through each year, make for a high automobile accident rate. A large retired population creates a high cardiac incidence. Both the need for an efficient ambulance service and the problems facing such a service are thus well above the norm.

Like all municipalities, Jacksonville was squeezed for money. But it was fortunate in several other respects, notably in a concerned and cooperative leadership in the county medical society, and in several remarkable men, among them cardiologist Roy M. Baker, who serves as surgeon to the fire department and medical advisor to the rescue squad for a remuneration of one dollar a year, and Capt. John M. Waters Jr. "Captain John" had been a career Coast Guardsman, chief of the CG search and rescue division, who was loaned to the NHSB to see whether military techniques of picking up and transporting the injured could be applied to victims of highway accidents. In mid-1968, he retired from federal service and became Jacksonville's director of public safety, with duties including supervision of the fire department.

He wangled grants of $250,000 for one year and $113,000 for a second from the NHSB to get his ambulance service off the ground. He set up his communications system in the fire department because it permits faster access, handling only about 10% as many calls as do the police. Ambulances have two-way communications with both central dispatch and directly with hospitals EDs, which also have "hot line" communication with each other. Every household in Jacksonville received, with its utility bills, stickers to be placed on telephones bearing the emergency numbers for police, fire, and ambulance. Old-fashioned street corner fire alarm pullboxes were replaced with telephones from which a citizen can call instantly for firemen, policemen, ambulance, or automobile mechanic. Because the citizen can tell what his trouble is, instead of merely sounding an alarm, there is no time wasted dispatching the wrong equipment. (And because a sign over the light on the central switchboard shows the exact location of the calling box, because it is harder to lie in person than to pull a handle and run, and because it is now generally known that all conversations are taped, false fire alarms have been reduced from about 60% of all calls to less than 5%.)

The basic Jacksonville ambulance is a specially designed box which, with its equipment, meets or surpasses all published standards. The list of drugs carried was drawn up by a committee of physicians and has been steadily augmented as the training of the emergency medical technicians (EMTs) has advanced. The ambulance box is mounted on a standard Chevrolet pick-up truck chassis. ("The ride's not the world's smoothest," Captain Waters confesses, "but when a patient has been stabilized, he doesn't seem to mind, particularly since our men drive at standard speeds. We use the lights and siren going out when every second saved may count, but we use them in less than 5% of our returns.") After every 35,000 miles, the old chassis is traded in and the box transferred to a new one. The captain figures that the boxes should last through four chassis, or about ten years, and that over that time the cost will be about half of what a limousine-type ambulance would cost.

The captain wanted to base all his ambulances at hospitals, but because of their bunched location, found that impossible. Four ambulances are now hospital-based, five stand at strategically located firehouses, and a tenth is in reserve. Average response time in the city from telephone call to arrival is 4.2 minutes. In a city that goes 37 miles east-west and 33 miles north-south, the longest response time in the past year was 17 minutes. "More often than not, we beat the police to the scene," says Lt. Robert L. Kotsis.

The 63 EMTs—all experienced firemen who volunteered for the elite ambulance corps—must know Jacksonville by heart so that no time is wasted making wrong turns or running into dead-end streets. Their training begins with a 20-hour review of first aid and continues with 30 hours of lectures and demonstrations on advanced procedures by 40 participating doctors. The third stage is to learn extrication techniques, to open airways and stop bleeding, apply splints and bandages, to strap the patient to a backboard and start an I.V., all of this as may be necessary before the injured person is moved. Then, if it is necessary, the EMTs will cut the car apart to get the patient out safely. If such a job should be beyond the equipment in the ambulance, they will call a hook and ladder team to do it. "We don't extricate the victim from the car," says Rescue Squad Chief J. A. Dowling. "We take the car away from the victim." And the men witness two autopsies on accident victims.

Next comes 100 hours of in-hospital training, which was by no means easy to arrange.

Despite support from the leadership of the medical society, the hospitals at first refused to let the firemen in to their emergency departments. They were outwitted by Julian ("Jay") Crawford, supervisor of rescue. His wife is a beautician and numbers several nurses among her clients and friends. Jay dropped into an ED one Saturday evening "just to say hello to a friend." He stayed two hours. The next Saturday he was back again and stayed until 4:30 a.m. "Every time I saw a chance to do anything, I did it," he says. "I changed bloody linen, mopped up stuff spilled on the floor. After two nights like this, they must have thought I did a good job, because they let me bring another man the third week. And after three or four months, word got around to the other hospitals that there was good free labor to be had, so they started calling Chief Dowling."

Like the proverbial camel with his nose under the tent, the firemen persisted—quietly, helpfully, and politely. Soon the doctors were teaching them ED techniques and letting them observe deliveries. (The rescue squad has done more than 50 emergency deliveries, all of them safely so far.) "But when we suggested that the EMTs could learn to treat cardiac cases, some of the doctors practically had apoplexy," Captain Waters recalls with a smile.

"But we were lucky enough to have a group of doctors who felt that the heart was very important," says Dr. Baker. "Our hospitals were organizing their CCUs then, and the captain showed them the statistics—we were running 1,500 DOAs from heart attacks. We thought of getting one of those monster mobile CCUs, like the one St. Vincent's has in New York, but we felt that one unit couldn't cover the largest city in the world, and besides, we didn't have the doctors to man it. It was better to have ten fully equipped ambulances, manned by trained EMTs and able to get to the patient in four or five minutes. There was plenty of opposition. It took us almost a year to get the thing through the medical society, despite the support of the then-president, Dr. Clyde M. Collins."

But at last the firemen were in. They receive training in coronary care in their regular 100 hours of hospital work, plus another 30 hours in the CCU itself, where they are instructed by six cardiologists—altogether more than 100 hours just on heart attack. "They learn to recognize the symptoms and the important rhythms, to understand and use the drugs and the gadgetry," says Dr. Baker. "They have become experts in cardiopulmonary resuscitation. These men are running the best mobile CCUs in the world."

Two ambulances respond to a "cardiac red" call. The EMTs are drilled in teamwork, and each of the four men knows exactly what he is to do in any given set of circumstances. At the scene, as necessary, the men will check vital signs, administer closed-chest massage, take cardioscope readings, and, if the patient is fibrillating, "zap" him without waiting for doctor's orders. They will be in touch with a physician in an ED by radio, will send him the patient's ECG by telemeter, and, under his direction, may administer drugs either orally or intramuscularly and give I.V.s. Essentially, with their portable equipment, they perform the same functions as would a nurse in the CCU. "With telemetry and under supervision, our EMT *is* the doctor on the scene," says Dr. Baker. "He is simply an effective extension of the doctor's arm." When the distant physician finds the patient sufficiently stabilized to be moved, the latter is shifted to an ambulance and driven off at the speed the doctor indicates. On the way, monitoring continues both on the ambulance's cardioscope and by telemetry, while continuous care is maintained under radio direction until the doctor boards the ambulance at the hospital door and takes direct command.

At the instance of the state medical association, Florida law was amended to permit all this to be done legally under the "responsible supervision" of an MD, and the legislative history makes clear that that term includes direction by radio or telephone. And Captain Waters is proud of the fact that the premium for malpractice insurance—up to $300,000 for all the coronary care given by his five dozen men—comes to only $4,500 a year.

Does the system really work? In the first six months of this year, the Jacksonville rescue squads handled 508 cases with cardiac symptoms, of whom 88 needed cardio-pulmonary resuscitation. Only 11 were DOA, and some of these were not viable when the ambulance reached them. "Now," says Dr. Baker, "we're trying to close that missing link—the four or five minutes before the ambulance gets there. The Northeast Florida Heart Association is teaching the entire community how to do mouth-to-mouth resuscitation and closed-chest massage." As part of the campaign, which may set a national pattern, special classes are held for relatives of known cardiacs while demonstrations are held by the ambulance men in busy public places, like shopping centers.

Ambulance service and demonstrations are not the only benefits Jacksonville receives from its EMTs. The city has a physical examination program for municipal employees, and the ambulance men do multiphasic screening, drawing blood, giving ECGs, and the like. The hospital-based men have proved themselves invaluable workers in the ED and CCU when they are not on runs, and in some hospitals they do all the ECGs at night.

What does all this cost Jacksonville? It costs $653,554 a year (which would be more in Northern cities because of higher fire department salaries), or $72,450 per ambulance. The cost per run is $36.50, though the city charges those who can pay only $22.50. The charge applies only if the patient is actually carried; service at the scene alone is free. Because many cannot pay, the total collected per call in charges is $14.40, leaving a tax cost of $22.10. This works out to 76 cents per year per resident.

The Jacksonville system, of course, could not be adopted everywhere without modification; e.g., in Montana, where the average ambulance run is 67 miles in each direction and runs of 250 miles are not uncommon. Fort Dodge, Iowa, a town of 32,000 with a surrounding farm population of another 18,000, solved its problem a different way. Until 1958, unsatisfactory service was provided by local undertakers and a cab company, but in that year a new service was begun by what is now Bethesda General Hospital. Bethesda has three vehicles, a $10,000 Pontiac for general duty, an $8,000 four-wheel-drive International Harvester for use on rough terrain, and a $24,000 Cortez—one of only 29 in the U.S.—which is used for general duty, as a rolling emergency room, and, with the addition of a $5,000 coronary cart, for cardiac cases.

About 100 calls a month are handled by a staff of ten men. They are trained in the trauma techniques recommended by the ACS and in CPR, and get renewed in-service training every two years. The hospital tries to have enough men on hand to cover two simultaneous calls, but there are times when an ambulance must go with only one trained attendant and a driver. (State law requires no training at all for an attendant; the Iowan who gets a Bethesda ambulance is one of the lucky ones.)

James A. Anderson, Bethesda's administrator, says the service runs a small deficit, but he keeps his economic head above water by using the attendants in the hospital as orderlies. "Our men are cross-trained both as orderlies and as attendants. When a man is not out on an ambulance or taking care of it, he is doing surgical preps, giving enemas, doing catheterizations, or wheeling patients. We make sure that they are always doing things that someone else can take over instantly.

"This system lets us allocate a good share of the manpower costs to the nursing department, so that the ambulance service does not have to bear it all alone. Also, the men stay in practice at dealing with patients. They're kept to a finely honed edge, and this makes them top-notch attendants. Handling patients every day helps to build in quality of service."

Many experts believe that such a hospital-based system, with its capacity for cost-sharing, represents the best hope for small communities, where the limited number of calls makes the per-call cost of full-time emergency service too high. It has the additional advantage of involving the hospital directly in the quality of care given by the EMTs, who become an extension of the ED, rather than outsiders who deliver a sometimes unwelcome burden.

And many other experts agree with the ACS' Dr. Hampton that government should bear any deficits of service. "Emergency ambulance service should be a third tax-supported emergency service, just as the police and fire departments are," he argues.

Dr. Hampton urges the medical profession to take the lead at the local level to develop public pressure for efficient service; to help organize an advisory council on emergency medical services, including representatives of all concerned agencies; and to improve in-hospital management and continuing education. "Organized medicine has the responsibility to do these things," he declares. "When a community lacks an adequate system of pre-hospital emergency services, a black mark is indelibly placed on the forehead of its medical profession."

The medical profession is not alone in its apathy. The Highway Safety Act of 1966 requires the NHSB to promulgate safety standards that must be adopted by all the states, and it has published what Dr. Hampton calls "a splendid program," including Standard 11, relating to EMS. Unhappily, that is about as far as matters have gone. Not one single state has yet met the EMS standards set by the four-year-old federal law. Nor has even one state submitted the comprehensive plan for compliance, as Standard 11 also requires.

The federal act requires that the Secretary of Transportation cut off, as of January 1, 1969, 10% of all federal highway funds from any state that had not by that date adopted the standards. The department has not complied with this requirement of law. ("Politically this is dynamite," warns NHSB's Frederick Lewis.)

It is a pity. As the PHS's Dr. Huntley puts it, "On the basis of our present knowledge, it is probably true that a dollar spent in this area would bring a greater return in the prevention of death and disability than a dollar spent in any other way."

TENSION IN THE BUREAU OF INDIAN AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. KYL) is recognized for 10 minutes.

Mr. KYL. Mr. Speaker, During the past several weeks a number of tense situations have arisen in the Bureau of Indian Affairs, and they have had repercussions reaching far beyond the BIA itself. The end result has been that BIA programs

have been obstructed while one group quarrels or sets itself against another. The chief victims are the Indian people whom the BIA is supposed to be serving.

Some groups and individuals inside and outside the the BIA have suggested that the BIA is being steered away from the policy of greater Indian involvement in the management of their own affairs.

Knowing Rogers Morton as a forthright and progressive-minded public official, I have been wholly unconvinced that any such fears are warranted. On the contrary, I have sensed that the Secretary's efforts to get programs going that will correct some basic problems have been hampered by agitators. Every step taken by Rogers Morton since he became Secretary of the Interior last January has been aimed at effecting President Nixon's program of strengthening Indian involvement in managing their own affairs.

On October 4, Secretary Morton held a press conference in which he outlined significant new programs and steps he is taking toward this end. They are based on the considered judgments of foremost Indian leaders with whom he has been conferring. His statement to the press exemplifies the thoroughness with which the Secretary has approached the issues in Indian affairs and the foresight with which he is dealing with such fundamental issues as Indian water rights, the need for massive road construction to develop reservation areas, the need for training programs to enable Indians to manage their own affairs well, and the need for greater authority to permit some of BIA's operations to be contracted out to tribal governments.

Mr. Speaker, I include Secretary Morton's October 4 statement in the RECORD:

STATEMENT ON INDIAN AFFAIRS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

I have called this news conference today to announce a series of actions relating to Indian water rights, contracts, roads, self-government, and legislative programs.

My purpose in taking these initiatives towards Indian self-government is setting a course for the Bureau of Indian Affairs designed to protect Indian resources and deal effectively with the root of Indian dissatisfaction—poverty, unemployment, and inadequate educational background. In my opinion this approach will do much to advance the cause of the Indian people of this Nation.

FIRST, WATER RIGHTS

Most reservations are in the arid West and depend for development upon adequate water supplies. In the past, Indian rights have not been protected. I intend to change that. I intend to do my best to see that Indians get their fair share of water.

To insure effective advocacy of Indian water rights, I am establishing an Indian Water Rights Office. It will serve as an interim body until enactment of legislation proposed by the President which calls for creation of an Indian Trust Counsel Authority.

This Office will include members of the Solicitor's Office, the Bureau of Indian Affairs, and the Geological Survey. It will be the focal point for seeing that appropriate action is taken to protect Indian water rights —including timely preparation of suits for submission to the Justice Department for filing in the courts.

This Office will report to the Commissioner of Indian Affairs, and he will report directly to me on water rights matters. In this way, we can assure that proper emphasis and priority continues to be given to this activity. I am also inviting the National Tribal Chairmen's Association to appoint an advisory board to work with the Indian Water Rights Office.

After further consultation with Indian leaders, we will announce the director, deputy director and other appointees to this Office. Supplementing their work will be field teams correspondingly constituted.

Two million dollars will be funded for the first year's operation of the Indian Water Rights Office and its field team program.

I have recommended to the Justice Department that it file suit to protect underground water rights of the Lummi Indians in the State of Washington. The Department is also intervening in the Escondido case now before the Federal Power Commission, and in a State of Idaho proceeding (Duck Valley). Moreover, the Department also intends to intervene in another Federal Power Commission matter involving the Chippewa Dam.

NEXT, CONTRACTING AND SELF-GOVERNMENT PROGRAMS

The expressed desire of many Indian tribes and groups is to contract with the BIA so that they may provide services hitherto performed by the BIA. In addition to the 724 contracts with Indians that have been renewed since May 1, 1971, I have approved 93 new contracts with a total value of $2,435,000.

These numbers show that contracting has by no means come to a halt, despite allegations from a few quarters that this is the case. Nevertheless, there is much more to be done in this direction.

I feel confident that the House and Senate Interior Committees will soon provide us an opportunity to appear before them in support of the President's proposed new legislation providing for broader contracting authority.

In the meantime we will continue to work out self-governing agreements under the authority of the Snyder Act, the Johnson-O'Malley Act and the Buy Indian Act. To the greatest extent possible within budgetary restraints we will continue to issue contracts for the procurement of goods and services from Indians and Indian groups.

Moreover, we are establishing a full-time training program to train BIA employees and prospective contractors in procedures and methods relating to the contracting process, to insure that effective arrangements will result. We will also work with Indian organizations, tribal or otherwise, to help them equip themselves to qualify for contracts. Existing training projects now handled under the Office of Economic Opportunity will be expanded. Tribal and government management training contracts will be set up in cooperation with the Department of Labor.

NEXT, ROADS FOR INDIAN RESERVATIONS

A modern network of roads is the prime physical system upon which social and economic development depend. Indian reservation communities live in the 1930's with respect to the adequacy of their surface transportation roadways. This is an obstruction to health services, to day schooling, to industry, tourism, to housing and sanitation.

Until 1935, no roads were constructed on Federally related Indian reservations. Since that time, the pace of construction has fallen far short of being commensurate with highway and road-building in the U.S. as a whole. The Indian areas are doomed to continuing isolation and poverty until modern roads are built. The BIA has developed a comprehensive construction plan under the direction of Alexander McNabb. I am working with the Office of Management and Budget and the Department of Transportation to seek funding that will open up Indian communities through modern roads systems.

NOW, A FEW COMMENTS ON LEGISLATION

I am releasing the text of a letter (attached) of September 20, 1971, from Assistant Secretary Loesch to Senate Interior Committee Chairman Henry Jackson clarifying the Department's position on the importance of items in the President's Indian legislation program. Certainly, the creation of an Indian Trust Counsel Authority is of prime importance to implement the President's program for Indians.

I will be the lead-off witness for the Indian Trust Counsel and other Presidential legislative proposals as soon as the Senate Interior Committee confirms its schedule of hearings on these bills.

I am delighted to see the House and Senate Interior Committee action on the Alaskan Native Claim bill, a matter so important to Indians. The bills reported out are very close to the version proposed by the President. What this shows is that there is a consensus among the Executive and the lawmakers of both parties reflecting fairness and equity in matters vitally affecting this Nation's first Americans. I am sure the other Indian measures proposed by the President will receive equally favorable treatment in Congress.

NOW, TWO OTHER ACTIONS I AM TAKING

On the recommendations of the Board of Directors of the National Tribal Chairmen's Association, I am creating an advisory board to assure better communications among the Bureau of Indian Affairs, the Secretary's office and the national Indian community. As the NTCA Board suggested, the group will be comprised of 15 members. including representatives from the National Congress of American Indians, the National Tribal Chairmen's Association, and other Indian groups, both reservation and otherwise.

I am instructing Assistant Secretary Loesch and Commissioner Bruce to have a special briefing prepared on the fiscal year 1973 Budget of the Bureau of Indian Affairs. This briefing will be presented for information and advice to officers of the National Tribal Chairmen's Association and of the National Congress of American Indians prior to the Secretary's final approval thereof.

I feel that these measures will help move the BIA efficiently and successfully on its course of implementing President Nixon's program which he outlined in his July 1970 Message to Congress.

But I do not suggest that these steps are the only ones necessary. As further needs become apparent, or additional new directions are needed we are committed to responding constructively to them.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 20, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 8 asking again for our view of the relative priority of Administration proposed legislation on Indian affairs.

There are a number of bills before the Committee enumerated in the President's special message of July 8, 1970, as well as another bill, S. 2237, subsequently recommended by this Department.

We believe all of these to be highly important and urge the Congress to act on them during this session. Among them we consider as most important the Indian Trust Counsel authorization and the two Indian self-help bills, S. 1573 and S. 1574. We hope, however, that any need for protracted hear-

ings on any one of these bills would not become an obstacle to early enactment of the others.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

NAME OF CONTRACTOR, TYPE OF SERVICES PROVIDED, DATE AWARDED, AND AMOUNT

Cherokee Boys Club, Dump Truck Rental, 9/14, $15,000.

Miccosukee Corporation, Management & Operation of educational and social welfare programs for Missosukee Indian people, 5/14, $23,904.

Cherokee Boys Club, Youth Conservation Corps Camp, 5/17, $35,800.

Cherokee Boys Club, Housing Improvement Program, 9/13, $14,416.

Shoshone-Piaute Tribe, Duck Valley, Land subjugation, 6/28, $234,751.

Less S. Thomas, LST Construction, Provide and install L. P. Gas System, Keams Canyon, 6/28, $25,182.

Blackfeet Indian Housing Authority, Housing Development, 5/5, $5,000.

Blackfeet Land Management Service, Irrigation Pasture Demonstration, 5/27, $2,650.

Blackfeet Indian Housing Authority, Home Ownership Training, 5/27, $10,200.

Confederated Salish & Kootenai Tribes, Forest Rehabilitation, 5/17, $5,000.

Confederated Salish & Kootenai Housing Authority, Housing Development, 5/19, $6,000.

Confederated Salish & Kootenai Housing Authority, Home Ownership Training, 5/27, $8,400.

Ft. Belknap Housing Authority, Home Ownership Training, 5/27, $4,200.

Ft. Peck Housing Authority, Home Ownership Training, 5/13, $4,200.

Lummi Tribe, Ground Water Study, 5/20, $7,000.

Spokane Tribe, Water Resources Inventory, 5/17, $25,000.

Yakima Tribe, Water Resources Inventory, 5/17, $36,000.

Colville Tribe, Training for AFDC Recipient, 5/1, $6,000.

Colville Tribe, Community Development Project, 5/25, $7,000.

Shoshone Bannock, Training of Truck Drivers and Heavy Equipment Operators, 5/1, $4,480.

Warm Springs Tribe, Furnish Field Data for Timber Sales, 5/3, $5,803.

Quileute Tribe, Management Services for Organizing a Housing Authority, 6/17, $1,500.

Swinomish Tribe, Management Services for HUD low rent projects, 6/16, $1,500.

Lummi Tribe, Water Resources Inventory, 6/7, $20,000.

Lower Elwha Tribal Council, Management Services for HUD projects, 6/9, $1,500.

Frank Archambault, Study of Modular Home Industry, 6/7, $3,000.

Tulalip Tribe, Construct Duplex building, 6/7, $13,000.

Muckleshoot Tribe, Home repairs, 6/7, $6,930.

Quileute Tribe, Survey of resources, 6/2, $5,000.

Muckleshoot, Management Services for HUD, 6/1, $2,000.

Quinault, Management Services for HUD, 6/1, $2,000.

Yakima Indian Contractors, Repair water line, 6/4, $1,475.

Northern Cheyenne Housing Authority, Housing Landscape Development, 5/18, $3,000.

Northern Cheyenne Housing Authority, Home Ownership Training, 5/21, $11,000.

Chippewa-Cree Housing Authority, Home Ownership Training, 5/24, $5,400.

Chippewa-Cree Tribe, General Assistance & Tribal Work Experience Program, 7/1, $83,000.

Wind River Housing Authority, Home Ownership Training, 5/4, $4,200.

Shoshone & Arapahoe, Housing Improvement Program, 7/1, $75,000.

R.C.K. Inc., Albuquerque, Maintenance & Custodial Services—SWPT Inst., 7/1, $348,-413.

R.C.K. Inc., Albuquerque, Install water filter Zuni, Blackrock, 5/25, $21,771.

Ramah Navajo Chapter, Tribal Work Experience, 5/6, $3,125.

Southern Ute Tribe, Igancio, Indian Education, 5/27, $5,000.

Santa Dominto Pueblo, Summer Program, 7/1, $3,500.

Mescalero Apache Tribe, Receiving Home Services, 7/1, $9,280.

Zuni Tribe, Compile & Publish Zuni History text, 6/3, $12,500.

Nez Perce Tribe of Idaho, Develop cultural material & publish history text, 5/14, $15,000.

Lukee Enterprises, Grants, Laundry Services, 7/21, $14,700.

Ute Fabricating Ltd. (Ft. Duchesne), Furniture—Haskell, 8/23, $23,800.

Ute Fabricating Ltd., Dorm Furniture—Intermountain, 8/23, $424,502.

Ute Fabricating Ltd., Kitchen Cabinets, 9/7, $5,327.

Smith Electric Co., Install Electric Service, 5/27, $2,129.

Yakima Indian Contractors, Roofing of building, 5/21, $2,415.

Yakima Indian Contractors, Framing of building, 5/4, $2,465.

Hoopa Valley Tribe, Sidewalks and curbs, 5/13, $2,030.

Hoopa Valley Tribe, Irrigation System, 5/21, $7,000.

Pit River Coop. Assn., Repairs to Pit River Flume, 5/28, $2,000.

Pala Indian Tribe, Housing Material, 5/28, $1,000.

Tule River Tribe, Repairs to Irrigation Systems, 5/27, $2,000.

Susanville Indian Rancheria, Adult Education Training Center, 6/28, $2,520.

Inter-Tribal Council of California, Welfare Grants, 5/24, $5,000.

Covelo Indian Community, Meetings, 8/12, $2,000.

Ft. Bidwell Indian Tribe, House Repairs (HIP), 5/24, $1,200.

Hoopa Valley Tribe, Forestry aid services and look-out services, 8/27, $6,700.

Standing Rock Sioux Tribe, Library reference resource material, Adult Education, 5/19, $2,835.

Yankton Sioux Tribe, Summer Education and Recreation Program, 5/21, $11,175.

Standing Rock Sioux Tribe, Summer Education and Recreation Program, 5/21, $15,500.

Standing Rock Sioux Tribe, Judicial and Enforcement Services, 5/21, $15,000.

Flandreau Santee Sioux Tribe, Furnish and Spread Gravel, 5/4, $5,000.

White Eagle Industries Inc., Mattresses, 6/5, $6,803.25.

Rosebud Sioux Tribe, Rental earth moving equipment, 5/10, $3,000.

Rosebud Sioux Tribe, Rental earth moving equipment, 5/10, $2,220.

Cheyenne River Sioux Tribe, Warehouse rental, 5/21, $1,000.

LaRosa Industries, Lawn Services, 5/22, $3,000.

Winnebago Tribe, Provide Indian Culture Program (encampment 50 youth on welfare), 6/21, $12,700.

Crow Creek Sioux Tribe, Advertising & promotion Ft. Thompson Complex, 6/22, $33,000.

Three Affiliated Tribes, Advertising & promotion of Four Bear Park, 6/22, $35,000.

Yankton Sioux Tribe, Employment Assistance, 7/1, $10,000.

Omaha Tribe of Nebraska, Employment Assistance, 7/1, $32,393.

Nebraska Indian Inter-Tribal, Training and employment project, 7/1, $13,386.

Omaha Tribe of Nebraska Scholarship and boarding school processing, 7/1, $97,450.

Omaha Tribe of Nebraska, Adult education, 7/1, $9,750.

Turtle Mountain Band of Chippewa Indians, Adult Education, 7/9, $12,500.

Sisseton Wahpeton Sioux Tribe, Adult Education, 7/1, $41,282.

Devils Lake Sioux Tribe, Operation of St. Michael's School, 7/9, $220,000.

Yankton Sioux Tribe, Judicial Prevention and Enforcement, 7/1, $32,000.

Sisseton Wahpeton Sioux Tribe, Administer Reservation Program, 7/8, $25,000.

Yankton Sioux Tribe, Administer Community Deevlopment Program, 7/1, $17,900.

Sisseton Wahpeton Sioux Tribe, Administering a guidance and Counselling Program, 8/16, $26,544.

Standing Rock Sioux Tribe, Comprehensive Pilot Program Title VIB, 9/15, $22,-520.78.

T. P. Construction, Refinish Gym Floor, 9/22, $3,490.

Donald D. Isberg, School building addition, 9/21, $47,530.88.

T. P. Construction, Rework windows—heating plant, 9/21, $2,960.

Philip S. Byrnes Sr., Grading and draining on 2.140 miles of Cedar Creek Road, 9/9, $24,568.59.

EVALUATION IN THE OEO CHILD DEVELOPMENT BILL

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 30 minutes.

Mr. VEYSEY. Mr. Speaker, for a number of years I have been concerned that Congress and State legislatures are often asked to establish and continued broad social programs with very little, if any, basis for judging their effectiveness. These programs tend to develop their own constituency of financially and emotionally interested adherents who contend that every program and project, good or bad, must be continued as a sign of our commitment to something called social progress.

If all we were doing was demonstrating that our souls are pure, that would be fine; but these programs are more than symbolic. When we vote to continue a massive program like OEO and to establish a major new program like child development we are precluding ourselves from being able to direct Federal resources to programs that might be better.

We owe it to the taxpayers and to the people these programs are designed to aid to be sure the programs we continue are effectively delivering what they promise.

With this in mind I offered an amendment to the OEO bill in committee to strengthen the evaluation sections then spread through the act.

I have been amazed to learn that after 5 years of experience under OEO, and the expenditure of over $11 billion, we really know very little about the effectiveness of any of its programs. It is easy to find the number of dollars spent, or the number of Community Action Agencies established, et cetera, but this is only our investment. It does not tell us what we have actually gotten out of the program.

The sense of my amendment was to require the Director to do certain things: First, to develop and publish standards

for evaluation at the time the programs are developed; then to bring about evaluation of the impact of each program. its effectiveness in achieving its stated goals, and its impact on related programs; and finally to evaluate its structure and mechanism for delivery of services including, where appropriate, comparisons with control groups of people who have not experienced the program.

I believe this approach, Mr. Speaker, might lead us in the direction of finding out what part of the OEO programs are really working and what parts are not working. I am sure there are some great successes. I am sure there are some dismal failures. We ought to know which parts are which.

My amendment will cause the Director to take action to lean in the direction of those programs that are effective and away from those programs that have proven themselves to be ineffective.

The text of the amendment is as follows:

TITLE IX—EVALUATION

SECTION 901. (a) The Director shall provide for evaluations that describe and measure the impact of these programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

(c) The Director may require community action agencies to provide independent evaluations.

(d) Federal agencies administering programs related to this Act shall—

(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinion of program participants about the strengths and weaknesses of the programs.

(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than 60 days after its completion.

(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(i) The Director shall publish and summarize the results of activities carried out pursuant to this Title in the report required by section 608.

I am pleased that the House Education and Labor Committee approved this approach and incorporated my amendment in the OEO bill.

Feeling as I do that standards for evaluation should be established at the time a program is designed, I was particularly concerned to see that the massive new child development program would contain an effective evaluation provision. I prepared an amendment to that bill incorporating many of these same principles, but directed to child development which I intended to offer in committee.

The child development bill was passed through the full Education and Labor Committee under confused and rushed conditions. I, therefore, prepared to offer my amendment to the bill when it came before the House, only to find that it was not considered alone, but was amended into the OEO bill.

During floor debate on the Child development amendment I offered my amendment. The original text was as follows:

AMENDMENTS OFFERED BY MR. VEYSEY TO THE AMENDMENT TO H.R. 10351 OFFERED BY MR. BRADEMAS

Strike out sections 501 through 503 and insert in lieu thereof the following and renumber the succeeding sections accordingly:

EVALUATION

SECTION 501. (a) The Secretary shall measure and evaluate the impact of these programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the program or project evaluated.

(b) The Secretary shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider along with other information the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

(d) The Secretary shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than 60 days after the completion thereof.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 503. Such portions as the Secretary may determine, but not more than one percent of any appropriation under this Act for program purposes, shall be available to him for evaluations.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act.

After the semicolon at the end of section 104(a)(1), add the following:

"And these goals shall be listed in order of priority, and stated as much as possible in a form amendable to quantification;".

I said at that time:

Mr. Chairman, the amendment which I offer would insert a section on evaluation in the Brademas amendment. What Mr. BRADEMAS proposes here today under a rather unusual arrangement is the establishment of an entirely new program, a program which, as has been related to us, could cost as much as $20 billion a year. Now, that is a very major commitment and one which should not be undertaken lightly. It is my feeling, as expressed in this amendment, that there should be careful establishment of goals and objectives before we take the plunge.

There should be evaluation of the results in the performance of the various parts of the program against those goals and objectives as the program develops. This is only prudent in terms of our custody of the taxpayers' money in this massive amount. I have introduced a similar amendment, and it has been approved by the Committee on Education and Labor in conjunction with other sections of the OEO package. I think it is vitally important that this evaluation requirement be placed in this child development section because this section far outstrips in dollar magnitude, that of other sections of the OEO bill to which it would be joined at this point.

This amendment would lay a new requirement on the Secretary to establish the objectives and to evaluate performance against the objectives to determine cost effective use of the dollars in this program. It would give the Secretary the opportunity to eliminate those programs which prove to be not effective and to increase those programs which do demonstrate, after careful and objective evaluation, that they are acomplishing their purpose.

I think this would be a proper direction for us to take at this time, and I hope the gentleman from Indiana (Mr. BRADEMAS) may be able to accept this amendment.

Although there was active interest in the amendment, detailed consideration could not take place on the floor. I am convinced that had time permitted a thorough explanation of the specifics of the proposal the amendment would have been acceptable to the full House. The committee endorsed and the House accepted the approach embodied in my amendment for the OEO Bill in general. It was the time pressure we were under that led to rejection, not the content.

It now appears that my amendment to the child development section of the OEO bill may have been partially redundant and unnecessary. When the House voted to include the child development bill in the OEO bill as an amendment, the evaluation title of the OEO bill took precedence over the sketchy evaluation language originally included in the child development text.

Since the House committee expressly considered the evaluation section of OEO and improved it, this language should be construed to supersede the evaluation sections of other sections subsequently added onto the bill.

I intend to offer similar evaluation requirements in the future. The time has come to insist that the American taxpayer get a dollars worth of value for

every dollar he invests in social programs. We all know this has not been the case, but we will have the opportunity and the tools to see that programs will be properly evaluated in the future.

EQUAL ENLISTMENT REQUIREMENTS FOR MEN AND WOMEN

The SPEAKER. Under a pervious order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced legislation to make the minimum enlistment age in our Armed Forces equal for both men and women. With the impending vote on the Equal Rights Amendment, I feel this legislation is a timely contribution to our efforts to assure equal rights for men and women in our country.

This past summer, Miss Melody Hagstrom, a 17-year-old high school graduate in my district, endeavored to enlist in one of the armed services. She contacted the Army, Navy, Air Force, and Marine recruiting offices, but was told by each that she could not be considered until she reached the age of 18, even though she had her parents' consent. Males with parental consent may enlist at the age of 17, but she could not.

My inquiries to the various military departments revealed that the restriction placed upon the age of enlistees is not a matter of policy or regulation. Rather, it has been specifically imposed by the Congress.

Title 10 of the United States Code now states that secretaries of the military departments may accept original enlistments in the regular services of qualified, effective and able-bodied persons who are not less than 17 years of age in the case of male persons and not less than 18 years of age in the case of female persons. However, no male person under the age of 18 years, or female person under 21 years of age, may be originally enlisted without the written consent of his parent or guardian.

My bill would remove the discrimination against women in title 10. It would allow the services to accept women at the age of 17 with parental consent, or at the age of 18 regardless of parental consent.

Mr. Speaker, when Melody's parents wrote to me requesting my assistance, their letter concluded with the following:

> At this time in our country's history when our young people are questioning our laws and our values and the spark of patriotism needs kindling as never before, it seems a shame that a young person who wishes to serve her country is denied this privilege for a biological reason. Our President has been stressing that American women play a more active role in our government and use their talents to serve America. Yet, in the Armed Forces, over which he is Commander-in-Chief, sex discrimination is practiced.

Mr. Speaker, I am pleased to introduce a bill to implement Mr. and Mrs. Hagstrom's call for equal enlistment requirements for men and women.

Since 1967, I have been a strong proponent of an all-volunteer military. Opening up our Armed Forces to women on an equal basis with men would certainly be in line with our efforts to reach the goal of an all-volunteer Army. It should also be recognized that there are in our Armed Forces thousands of noncombat positions which can and should be filled by women.

Mr. Speaker, I call upon each of my colleagues to lend their full support to the measure I have introduced.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. America offers its young people a far greater opportunity for attaining a good education. Heads of families of 61 percent of last fall's college students never went to college themselves. Fifteen percent had attended but were not graduated. Only 24 percent had finished.

TO CLARIFY THE SCOPE OF THE STATUTORY DUTY TO BARGAIN

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, I present for appropriate reference a bill amending the National Labor Relations Act.

The bill amends section 8(d) and it is drawn, Mr. Speaker, to redefine and clarify the scope of the statutory duty to bargain. Briefly stated, section 8(d) as it applies to an employer says he commits an unfair labor practice by refusing to confer in good faith with the representative of his employees as to wages, hours, and other terms or conditions of employment, or by refusing to negotiate an agreement. In a series of recent cases the NLRB has expanded the scope of section 8(d) to encompass rulings and concepts not envisioned by the Congress. These need to be brought back into balance, Mr. Speaker, in the interest of evenhanded and impartial administration of this statute.

Illustrative of these NLRB innovations, Mr. Speaker, is the manner in which these decisions have encroached upon the prerogatives of management. The Board requires an employer to negotiate with the union about such things as operational changes he makes for greater efficiency, or even about his decision to close down a department or an entire plant. See Town and Country Manufacturing Co. 136 NLRB 1022 (1962); and Fibreboard Corp., 138 NLRB 550 (1962).) There is no warrant in the legislation or its history for requiring that such management decisions be the subject of compulsory bargaining. In clarifying the statute as to this point, however, my bill does not prevent the NLRB from requiring that after such a decision is made, management should discuss with the union the impact of that decision on the employees in the bargaining unit.

Another facet of the duty to bargain, Mr. Speaker, is the clear language in the law which says neither party must agree to what the other party proposes, nor is either required to make a concession. Notwithstanding this, the NLRB will hold an employer guilty of an unfair labor practice if he stands firm on the proposals he first offers in negotiations and rejects the union's counterproposals. See General Electric Co., 150 NLRB 192. The NLRB labeled an employer's attitude as adamant and uncompromising when he held to his own proposals and refused to make concessions to the union. See Fitzgerald Mills Corp., 133 NLRB 877. Just last year, the Supreme Court made clear its view that the bargaining should be between the private parties and that Government should not attempt "any official compulsion over the actual terms of the contract." See *H. K. Porter* Co. v. *NLRB*, 397 U.S. 99. Hopefully, this Porter case will limit future NLRB involvement in the bargaining, but we must wait and see how this develops

The net result of these NLRB and court decisions, Mr. Speaker, is that there now is substantial doubt about whether a party to negotiations must make concessions, or whether he can proffer what he regards to be a good faith offer and stick to it. In substance then, Mr. Speaker, this portion of my bill restates the point that bargaining in good faith does not compel a party to negotiations to abandon his own views or make concessions to the other party.

Closely related to the matter of making concessions is the burden the NLRB and the courts have imposed on employers to supply unions with a wide range of information the unions might ask for during bargaining sessions. See *NLRB* v. *Acme Industrial Co.*, 385 U.S. 432; *Curtis Wright Corp.* v. *NLRB*, 347 F. 2d 61. There appear to be no fixed rules, with the NLRB deciding on what seems to be an ad lib basis that certain union demands for information should be enforced. The result is that no employer in a bargaining conference can know what is required of him when confronted with a union request for information. For example, one employer was found to have refused to bargain when he failed to furnish the union with the names of employees who had continued working during a strike. See *Mississippi Steel Corp.*, 169 NLRB 96. Another employer committed an unfair labor practice by failing to divulge company profits and the salaries paid to management personnel. See *Metlox Manufacturing Co.* v. *NLRB*, 378 F. 2d 728; 389 U.S. 1037. Another employer refused to furnish a union with the sales prices of the company's products and the NLRB found this a refusal to bargain. See *NLRB* v. *Frontier Homes Corp.*, 371 F. 2d 974. This amendment, Mr. Speaker, seeks to bring order out of the present chaos by taking one simple step. It provides that neither party can compel the other, under the duty to bargain sanction, to produce information; however, in doing so it makes clear

that the parties are permitted to bargain with each other about any information either one would like to obtain.

Mr. Speaker, one of the central building blocks of industrial peace is the notion of stability in collective bargaining contracts. In the Taft-Hartley Amendments of 1947 Congress rejected the thesis that the duty to bargain was a continuing duty and that it applied even after the parties had negotiated a contract for a fixed period of time. Since then, based primarily on the theory of the Jacobs Manufacturing case—94 NLRB 1214; 196 F. 2d 680—the NLRB has ordered employers to bargain during the life of a contract when the union raised new issues not expressly covered in the contract itself. My bill provides that neither party can be forced to bargain about a change in the contract, if that change is to become effective prior to the time permitted by the literal terms of the contract itself. Obviously, parties can bargain voluntarily if they wish at any time. All this amendment does, Mr. Speaker, is make sure they cannot be forced to do so during the term of their collective bargaining contract.

Finally, Mr. Speaker, this bill deals with two other emerging concepts of compulsory bargaining reflected in recent NLRB decisions. In the Kingsport Publishing Co. case—165 NLRB 116—the Board indicated its inclination to require that some contract provisions be continued in effect after the contract itself has expired. In the Pittsburgh Plate Glass Co. case—177 NLRB 114—the Board apparently ignored the law's directive that bargaining be with representatives of employees. It ordered the employer to bargain about those who have retired and who are no longer employees within the meaning of the law. On these two points my bill makes it clear that when a contract expires its separate provisions necessarily expire with it—and that retirees are not to be considered employees named in the act with respect to whom an employer has the statutory duty to bargain.

Mr. Speaker, I commend this bill to the early attention of the House.

TRIBUTE TO THE HONORABLE HUGO LAFAYETTE BLACK, LATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 60 minutes.

Mr. ECKHARDT. Mr. Speaker, if we were to await a second emergence of a nominee for the Supreme Court of the caliber of Hugo L. Black we might have to wait for 67 years. That was the time between John Marshall's departure and Oliver Wendell Holmes' appointment, and no Justice in between matched their stature. There was no such gap after Holmes, for Benjamin N. Cardozo was made his replacement in 1932 in the greatest succession of jurists that have served on the Court: Cardozo, Black, Reed, Frankfurter, and Douglas—all appointed in a span of 7 years, the 7 years of the formation of the New Deal. It was these distinguished appointments—and a handful of others that followed—that ushered in the era of Supreme Court primacy in the Nation's progress in these latter years of the Republic.

The 7 years of the formulation of the New Deal marked the great era of the Presidency in this century. Congress came to the fore sporadically at the turn of the century, in the early Wilson administration, and in the 89th Congress; and Congress was a partner in the New Deal. But the quarter of a century between the latter two events will be remembered as the era of the Supreme Court, an era of great, and I hope lasting, judicial, political and humane reform, reform most notably involving racial justice and attendant protection of voting rights and fair representation.

It is Justice Black's figure and its penumbra that most impressively mark the era. Hugo Black brought to the Court a personal knowledge of poverty, hard work, pride in his labor and the damage done to society when power and special interest in society go unchecked.

Hugo Black knew what it was to be poor—to do without. His life began in a Clay County, Ala., farmhouse—a good clapboard house expanded by a kitchen and extra bedrooms as the need arose. Soon his family moved to Ashland, a town of 350 people. Here, the young Hugo learned to work—as a cottonpicker and as a newspaper typesetter for which he could earn as much as 75 cents a day. Justice Black loved books and sports. Early notice was taken of his love of literature by his parents who encouraged him in his reading. Even his name bore a link to literature for his mother had been reading the works of Victor Hugo at the time of his birth. His love of books and sports continued through his Supreme Court days—the walls of his Virginia home being lined with books and his tennis game remaining sharp until the last few years.

The young Hugo Black graduated from Ashland College, but found that his credits would not be accepted at the University of Alabama. He entered the law school there because, under the rules at the time, it was easier to enter the law school than the university's academic branch. Because of his lack of background in university courses, Black found that he had to carry a great deal more of a load than his fellow students—yet he graduated with honors.

Lawyer Hugo Black began practicing at a rented desk in an attorney's office in Birmingham. There he got his first case. Convicts were at the time lent to do work under a "convict lease system" which allowed private employers to "rent" convicts for work almost without State supervision of their treatment. The young lawyer's client was a black convict who had been held 15 days overtime, as a virtual slave.

Black sued in his behalf and won $137.50 for the man. Black later served as a judge in a local police court on a part-time basis. His commonsense treatment of defendants won him the respect of the whole community. His fair treatment of black defendants to come before him was particularly outstanding.

In 1914, he became the prosecuting attorney for Jefferson County and served until he resigned to serve his country in the Army. One of his most telling experiences as chief prosecutor was his investigation of a "torture chamber" that was being used by the Bessemer, Ala., Police Department to obtain confessions from black prisoners. In one case, police officers strapped a 70-year-old black man to a door and nearly beat him to death. Belts, fists, sticks, chairs and—as one of the officers testified—"anything we could get hold of"—were used. The grand jury report in 1915 read that a man does not lose—

> This right to be treated as a human being by reason of the fact that he is charged with—or an officer suspects that he is guilty of—a crime.

This language portended later Supreme Court decisions.

In 1918, Black was home from the war and practicing law in Birmingham. Here he married Josephine Foster in 1921. In the terribly turbulent years ahead, Josephine gave her husband the comfort and sanctuary of home and family that he needed, until she passed away in 1951. There were three children: Hugo, Jr., a Yale Law School graduate and a practicing attorney; Sterling, who received his degree from Columbia and also practices law; and Josephine, who graduated from Swarthmore and married a psychiatrist. Justice Black married Elizabeth Seay DeMeritte in 1957.

Hugo Black's practice of law in Birmingham became enormous as more and more people took notice of the quality of his advocacy. The U.S. Senate then attracted the successful attorney, and he sought the Democratic nomination over four other candidates. He ran as the poor man's candidate. Black won the nomination and the election in 1926.

Realizing that he did not have the university education of many of his colleagues, Black undertook to give himself a liberal arts education in European and American history and the classics. The Library of Congress became his "other office" in Washington. He began to develop friendships among others of a liberal philosophy, and he became one of the most stalwart and important proponents of President Franklin Roosevelt's New Deal in Congress.

During his second term, Black spoke straightforwardly in favor of the Fair Labor Standards Act for which he was the sponsor. The Democratic Party has, he said—.

> Promised the country this kind of legislation. The President has pledged it. The mandate of the—1936—election has ordered it. And at long last the American people are going to have it.

Senator Black was also active in investigating corruption in Government and private business. He led in the investigation of merchant marine subsidies, airline subsidies, utility lobbies, and lobbies in general. Despite his brilliant career in the Congress, President Roosevelt decided in 1937 that Hugo Black

could best serve his country on the Supreme Court. History has validated the wisdom of his judgment.

It is impossible for me to survey the spectrum of a Supreme Court career that has spanned 34 years and a judicial philosophy that has influenced one-third of the Chief Justices and one-fourth of all the other Justices that have ever sat on the Court. I would, however, like to point out some highlights of a remarkable career.

That career was never lacking in controversy, but then, in the words of Shakespeare—

Rightly to be great
Is not to stir without great argument.

Hugo Black came to the Supreme Court with a firm commitment to the idea of individual liberty and freedom of speech. Indeed, it is in these fields that his opinions have been most influential and controversial.

He believed the first amendment meant what it said that—

Congress shall make no law . . . abridging the freedom of speech, or of the press . . .

As he said from the bench as recently as the New York Times case involving the Pentagon Papers:

This does not mean some law.

He believed the constitutional injunction against governmental intervention in the field of free speech and free press is absolute. In his words:

My view is without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to the people . . . either for the views they have or the views they express or the words they speak or write.

I remember this refreshing and revealing colloquoy in the argument before the Supreme Court in the New York Times and Washington Post cases. Mr. Justice Stewart had been pressing the Attorney General on the question of involving the Court as an instrumentality for affirming in advance whether or not matter sought to be printed endangered the security of the United States. Without purporting exactly to quote the parties, the colloquy went something like this:

Justice STEWART. Mr. Solicitor General, if we are to examine language to determine whether it justifies prior restraint in this case, will we not set ourselves up as prior censors in all cases of this type?

Mr. GRISWOLD. That is our only choice.

There had been a rather long exchange between Justice Stewart and Mr. Griswold. Then, from another quarter of the bench there was a rather thin, almost quavering voice:

Justice BLACK. I suggest there is an alternative, the first amendment.

Even in these very latter days on the Court Justice Black's reaction was incisive, cogent, and flavored with wit.

Justice Black's devotion to the first amendment's protection of freedom of religion was equally strong. He was the author of the opinions that banned prescribed prayer in the public schools and limited public financing of church-related schools. Far from its being detrimental to religion, he argued that it was essential to the growth of freely practiced religion and that there must be a "wall of separation" between the church and the state.

Justice Black was not only criticized by those who sought limitations placed on an individual's freedom to speak his mind or who wanted Government to prescribe religious forms for schoolchildren, but also by certain civil libertarians on fourth amendment matters. They would have him treat the fourth amendment guarantees against unreasonable search and seizure similar to the way he treated the first amendment's guarantees of free speech. But just as Justice Black read the term "no law" in the first amendment to mean what it said, he also read the term "unreasonable searches and seizures" to mean those which were unreasonable—not all inroads on personal privacy. Thus, he did not go as far as some would wish him to go to include electronic eavesdropping under the conditional ban against searches and seizures.

Speaking of the fourth amendment he said in *Berger* v. *New York*, 388 U.S. 41, at page 76:

Had the framers of this amendment desired to prohibit the use in court of evidence secured by an unreasonable search or seizure, they would have used plain appropriate language to do so, just as they did in prohibiting the use of enforced self-incriminatory evidence in the Fifth Amendment.

His credentials as a "strict constructionist" are established in the same case at page 87:

This basic charter of our Government was written in few words to define governmental powers generally on the one hand and to define governmental limitations on the other. I believe it is the Court's duty to interpret these grants and limitations so as to carry out as nearly as possible the original intent of the Framers. But I do not believe that it is our duty to go further than the Framers did on the theory that the judges are charged with responsibilitiy for keeping the Constitution "up to date."

But Justice Black's total influence on the Court did much more to extend protection of the amendments "defining governmental limitations" than to restrict them. He forcefully and consistently argued over the years that the injunction in the 14th amendment against any State depriving "any person of life, liberty or property without due process of law" was meant to "incorporate" the Bill of Rights and thus give Federal constitutional protection against the States as well as the National Government. Partially his views prevailed.

Thus, liberties accorded by the first, the fourth, the fifth amendment's privilege against self-incrimination, the sixth amendment's right to notice, confrontation of witnesses and the assistance of counsel, and the eighth amendment's prohibition of cruel and unusual punishment are guaranteed to individuals against actions by the States to a great extent because of Justice Black's efforts.

The balance between the rights of the individual and the necessity of the Government to protect itself is indeed delicate. Justice Black was a keen judge of this balance. Individuals certainly have an obligation to obey the law, but the Government has an equal obligation to protect their rights. Otherwise, a free Government cannot long endure. Justice Black chose the words of Chief Justice Hughes to express this in his opinion in the Pentagon Papers case:

The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that Government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional Government.

Justice Black's last word on the first amendment was in the New York Times case on the Pentagon papers where he eloquently reaffirmed his unswerving belief in the absolute guarantees of the first amendment. He stated that:

In the first amendment the Founding Fathers gave the press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the government. The press was protected so that it could bare the secrets of Government and inform the people.

This is a great, last admonition. It will be a long time before we shall again see the like of Justice Black.

We cannot, it is true, wait to find a man who gives assurance of like quality, else the Nation might wait 67 years again. But there are those who show a glimmer of his brilliance, and we should demand such showing. Since there can be no assurance that his place can be filled, it is not important that his seat be filled quickly.

A Court of seven members with balance and quality is better than the full complement of nine if that balance is lost and that quality diluted. The former situation could continue for a good time without harm to the Republic, but the latter could do great harm in a little time. Let the other body think on that.

Mr. ALBERT. Mr. Speaker, today I join my colleagues and the entire Nation in paying tribute to one of the great figures in American judicial history.

Hugo Black's death is a loss to those of us who knew him personally, but even more a loss to the institution to which he dedicated the better part of his life and whose decisions he so greatly influenced. After 34 years of brilliant service on the U.S. Supreme Court, Justice Hugo Black became himself an institution. Towering high above the legal proceedings of an entire generation, he established a record of rulings and opinions that mirror the central importance of personal liberties to our way of life.

From his appointment in October 1937, he became the Nation's foremost defender and advocate of the Bill of Rights, particularly the 14th amendments' guarantee of due process and the first amend-

ment's protection of freedom of speech and press. He took these guarantees at their face value and applied them to the cases before the Court with a consistency and clarity that did justice to the framers of the Constitution.

Hugo Black was a constructionist in the purest sense of the word. He read the message of the Constitution and made its tenets the bedrock of his illustrious career on the Bench. He contributed to its durability by insisting that it is a document that cannot be bent to accommodate the changing winds of time. Thus he carved out a career on the Court that was unassailable for its integrity and excellence, and his courageous leadership in landmark cases setting the outer limits of freedom of speech will alone assure his rank in the pantheon of great Justices of the Supreme Court.

Hugo LaFayette Black is irreplaceable. It can only be hoped that the members of our highest tribunal, sitting and future, will attempt to emulate the wisdom, scholarship, and dedication to personal freedom that marked the career of this great Justice. Hugo Black will live in the vitality of the free institutions he helped so much to strengthen.

Mr. RHODES. Mr. Speaker, it is always a sad task to join in paying tribute to an individual who has served this country well, and who has been called to his reward. Today is no exception.

The late Justice Hugo Black, perhaps as much as any other single jurist, shaped the course of American constitutional law in the 20th century. He was controversial, I certainly did not always agree with him. However, his imprint is indelible in the course of the American experiment in government in this era.

Hugo Black served the people; as a police court judge, as a prosecuting attorney, as an attorney in private practice, as a U.S. Senator from his native Alabama, and finally as an Associate Justice of the Supreme Court for 34 years. The people and the Nation share a sense of loss in his passing. A man of dignity and ability is gone, but his reputation for courage and integrity will live on.

Mr. ROSENTHAL. Mr. Speaker, there are men who serve their Government well, and there are men who help their Government to serve. There are men who profess the idea of freedom, and there are men who allow the free profession of ideas. There are men who love their country, and there are men who make their country worthy of other men's love. There are men who are Justices of the Court and there are men who fight for justice toward all men.

In his 34 years as a Justice of the U.S. Supreme Court, Hugo Lafayette Black assumed the conviction and dedication necessary to pursue all of these roles. As a devoted citizen of America and as a protector of all America's citizens, he used the full extent of his powers to insure the respect of their rights by the Government. For without the sanctity of those rights, their lives become meaningless and America itself loses her meaning.

No concept was as vital and no task so essential to Hugo Black as the maintenance of an internally free nation. Free from the demagoguery and Government tyranny which threaten our very existence. Free from the repression of thought and argument, of discussion and advocacy. The repression of the mind. Free from restraints upon the intellectual, spiritual, and philosophical growth of the Nation. Restraints that sap our strength. It is the freedoms guaranteed to the citizenry which protect the Nation.

Hugo Black found the promise of such freedom and the element of such protection imbedded in the very cornerstone of American governmental structure. He saw that it was from the great 18th century doctrine of libertarian ideals—the U.S. Constitution—that America derives her energy, her greatness, and her potential. Within the fabric of the Constitution are woven the essentials of freedom and the strong tying threads of human dignity, and to Justice Black they served to weave a noble cloth.

The nobility of that cloth is in its ability to protect but not hide; to cover but not stifle; to cloak but not conceal. So Justice Black made certain that the Constitution retain its full portent by retaining its true meaning.

As a Supreme Court Justice he was a strict constitutional constructionist in the only correct sense of the term: the Bill of Rights guarantees an extensive range of citizenry rights and promises a multitude of specific freedoms, and these are to be meticulously respected and protected by the Government. Not only Government on the Federal level, but on the State and local levels as well. All tiers of government are responsible for acknowledging these rights and obliged to enforce their protection.

For Hugo Black, an absolutist stand on the objects of the Bill of Rights, especially the premise of the first amendment provisions, was the only meaningful position for a jurist who considered them to be the backbone of the Nation.

Strict construction, in Hugo Black's terms, is not a mandate for reactionary governmental policies. Nor is it to be utilized for partisan advantage, political leverage, or racial domination. It is an affirmation of faith in democratic theory and egalitarian principle. It means equal rights, not special rights; governmental protection, not governmental privilege.

His dedication to this concept allowed Justice Black to consistently write decisions which were not tainted with the intolerance or frustration of a Nation in transient ill temper. His judicial priority remained a constant: to deliver to the people of the United States the rights deemed essential for them in 1791 and recognized as vital for them in 1971.

Mr. RODINO. Mr. Speaker, I join with millions of Americans in mourning the passing of Mr. Justice Black—a giant in American constitutional law.

A man of unquestioned integrity and unswerving dedication, a devoted public servant and friend of democracy, he termed our Constitution, "the best hope for the aspiration of freedom which men share everywhere."

Justice Black's decisions on the High Court cemented basic freedoms for generations of Americans, past and future. He was indeed a man of justice.

Mr. Justice Black's passing is a profound loss to this Nation as I know it is to the members of his family, and I extend to them my heartfelt sympathy.

Mr. DRINAN. Mr. Speaker, I rise to express my sense of loss on the passing of Mr. Justice Hugo Black, who, in 34 years on the Supreme Court, espoused and exemplified human dignity:

> My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the first amendment.

Those were the words of Hugo Black, as stated in his 1968 book, "A Constitutional Faith." Implicit in those words is a jurisprudence which defines the constitutional history of the United States in the 20th century.

Mr. Justice Black was a fixture in American law. He wrote on every major constitutional issue. He venerated the Bill of Rights, and through his mind and pen the American people embraced the Bill of Rights.

His biography, which has been ably traced by others of my colleagues, is one of the astonishing stories in American history. His career was an irrefutable argument that our democratic and political processes work and produce great men.

His style of writing has been described as one of "extraordinary simplicity, lucidity, and force." But those words describe more than the enormous corpus of dissenting and majority opinions he wrote while on the Court—they describe the jurisprudence of Justice Black.

It will surprise no one who has studied Justice Black's opinions when I say that the man's thinking cannot be reduced to a slogan. He was a "strict constructionist" who confuted obstructionists in the civil rights field. He was a literalist who often differed with his colleague Justice Frankfurter, the voice of judicial restraint. At almost every juncture of his judicial career his views were opposed by ideologists of one stripe or another. Indeed, in all candor it must be said that in recent years some liberals were disheartened by what they first perceived to be an excess of prudence and consistency in some of his opinions. Their doubts gave way to a perception of the timelessness, the continuity of Justice Black's views.

Mr. Speaker, observers of constitutional and social history far more learned than I will study and describe the significance of Justice Black's role in American civilization as long as there is a U.S. Supreme Court or, indeed, a Constitution. We who lived when he did can only hint at the significance of this man. I would like to close by quoting

briefly from the very eloquent appraisal of Justice Black by Alan Barth of the Washington Post, which is reprinted in full beginning at 34164 of the September 30, 1971, RECORD:

> What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. And he believed in freedom, in the survival value of a free society.

Mr. MIKVA. Mr. Speaker, the character of a man often can be determined by the company he keeps. That was true in life and in death for Mr. Justice Black. Among the extraordinary men on the Supreme Court in the last 34 years, he was an extraordinary man, sitting with a quarter of all the Justices since the time of George Washington, and a third of all of the Chief Justices. In death, his name joined the company of the other giants of the Court—Marshall, Holmes, Brandeis. His personal, distinctive imprint on the Court and the law was that sweeping and historic.

Prof. Paul Freund of the Harvard Law School has characterized Mr. Justice Black this way:

> He has exhibited to a singular degree an intense moral commitment, concentrated through the focus of an unwavering vision, and brought to bear with immense prowess. One thinks of Justice Brandeis' confident formula for achievement: brains, rectitude, singleness of purpose, and time.

Mr. Justice Black had them all. The son of a Confederate soldier, he was at one time or another a practicing attorney, police judge, prosecuting attorney and a Senator from Alabama. He will be remembered as one of the most influential Justices in the history of the Court, and one of the stanchest defenders of individual rights.

Some people called him a "first amendment fundamentalist;" his mark is imprinted on most of the Court's landmark decisions—school desegregation, right to counsel, the 18-year-old vote, the application of due process to the individual States. Mr. Justice Black had a deep respect for the basics in human life and the life of this country, and that was most evident in his decisions and written opinions.

In my judgment the people of no nation can lose their liberty so long as a Bill of Rights like ours survives and its basic purposes are conscientiously interpreted, enforced, and respected so as to afford continuous protection against old as well as new devices and practices which might thwart those purposes. (Dissenting opinion, Adamson against California).

The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of Government and inform the people. (Concurring opinion, New York Times against United States.)

From the very beginning, our State and National constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble idea cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. (For the Court, Gideon against Wainwright.)

I had the opportunity to watch Mr. Justice Black for a year when I clerked for one of his colleagues on the Court, Justice Sherman Minton. No one was able to match Justice Black's energy and vitality. He was a hard-working man, and although he was a great scholar, he always considered himself a student—constantly studying, not only the law, but history and literature. His written opinions reflected that breadth of knowledge.

Now, he is gone. Another intellectual pillar has left the Court and, with his departure, it will not be the same. Nevertheless, Justice Hugo Black has left us a legacy of liberty which will not die, and for which America is deeply grateful.

Mr. EDWARDS of California. Mr. speaker, it is difficult enough to speak or write to commemorate a man, to capture in words the substance of a life, but to attempt it about the life and times of a judge who himself put the highest possible premium on brevity is adding still another obstacle. For, indeed, Justice Hugo Lafayette Black always taught the importance of one word to do the work of two, that a revised edition should be twice as good and half as long.

A legal "Paul Bunyan" is dead. In the times ahead, biographers will trace for us each year of his full long life. Legal scholars will examine, dissect, and comment on each opinion, if not on each word of each opinion.

But what has the living and dying of Mr. Justice Black meant? For myself, I cannot attempt to here, answer that question. A description of Black's judicial work would have to be as colossal as the man himself. I feel worthy only to set forth some generalities about the qualities of this man that have been and are so meaningful to me, supported by some of Justice Black's own words.

Justice Black, whose tenure reached over 34 years, has sat with a quarter of all the Justices of the Supreme Court since Washington's time, and a third of all the chiefs.

He is the epitome of Justice Brandeis' confident formula for achievement: "brains, rectitude, singleness of purpose and time".

It appears to me that Justice Black, giant that he was, was an altogether human judge. The plunge to the heart of the matter meant to the human heart of the matter. There was more to law than how the game was played.

His courage, creative vigor and perseverance were directed with a humane sympathy for the common man. He stands as a towering bulwark for the preservation of personal liberties.

If there is an element of truth in the complaint that laws grind the poor, and rich men rule the law, it's not the fault of Justice Black.

Justice Black exhibited two solid commitments when he became a Supreme Court Justice. One, a strong commitment to freedom of speech. He was altogether opposed to censorship, believing the American citizen should be persuaded in no way except by logic and reason.

Another was a solid commitment to fair criminal procedures. He exhibited this early in his life, as a prosecuting attorney in the Birmingham area where he investigated confession abuses. In the Senate, he made it clear he would not vote to confirm a former prosecutor as a Federal judge if he felt the prosecutor had abused fair procedures. On this subject he felt it was the accusing sovereign's business in criminal matters to make out its case like any other plaintiff in strict observance of the constitutional rights of the defendant.

In Chambers against Florida, Justice Black summed it all up—

> No higher duty, no more solemn responsibility rests upon this court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed or persuasion.

Of equal impression on my mind, was Justice Black's statement in an early opinion on the subject of freedom of speech:

> I view the guarantees of the First Amendment as the foundation upon which our government structure rests and without which it could not continue to endure as conceived and planned. Freedom to speak and write about public questions is as important as is the heart to the human body. In fact, this privilege is the heart of our government. If the heart be weakened, the result is deliberation, if it be stilled, the result is death.

For Justice Black, clearly, the essence of law was justice.

He stands still and always will, a tough, determined, kindly colossus of the law.

Mr. RYAN. Mr. Speaker, a man's memory is sustained by the legacy he leaves behind him. Supreme Court Justice Hugo L. Black has left our country a legacy of law and service that will not be forgotten.

Justice Black's judicial philosophy—based firmly on the Constitution, with its bill of rights perceived as a set of absolutes erected by the Founding Fathers to shield and nurture individual freedom—has had enormous impact on the quality of life in this Nation over the past three decades. And its powerful weight will endure. As Alan Barth wrote in the September 26 edition of the Washington Post:

> He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

Perhaps more than any other man in the history of the Supreme Court, Justice Black revered the Constitution as the source of the free and good life. In his own words, he viewed the—

> Constitution, with its absolute guarantee of individual rights, (as) the best hope for the aspirations of freedom which men share everywhere.

During his 34 years on the Court, Justice Black argued that the 14th amend-

ment made the Bill of Rights binding on the States as well as on the Federal Government. Although he never succeeded in having the Court fully accept this view, he had the gratification of watching many of his dissenting opinions eventually become the law of the land. The Court has come to accept Justice Black's views that the 14th amendment safeguards against infringements by the States the right of the indigent to free counsel; the right to counsel and silence during police interrogation; the right of protection against self-incrimination; the right of confrontation of witnesses; protection against illegal search and seizure; and proscriptions against cruel and unusual punishment.

Yet it was in regard to the first amendment guarantees that Justice Black was the greatest force. Perhaps, there is no better way to put forth his views than citing his own words:

My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write.

In another opinion he declared:

Freedom to speak and write about public questions is as important to the life of our government as the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.

During his tenure on the Court, Justice Black never waivered from his belief in a literal intepretation of the Constitution and his view that there was no halfway ground for protecting freedom of speech and press. Observers sometimes failed to understand his single-minded devotion to the Constitution, and they, consequently sought to categorize him with some convenient label.

But Justice Black had little regard for labels. Referring to his view of the absolute constitutional guarantee of free speech, he said:

Some people would have you believe this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech or of the press."

Yet it was his personal qualities as a human being, as much as his particular legal views, that made Justice Black so remarkable a figure in American life. As Anthony Lewis wrote in the New York Times of September 26:

There was a serene simplicity in him that battled sophistication, a power that seemed to be drawn from the earth. He was an elemental force.

Justice Black believed in America and he believed that freedom was what America was all about. As he so eloquently said:

Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it was always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry, free from any kind of governmental control over the mind and spirit of man. Loyalty comes from the love of good government, not the fear of a bad one.

Rare is one who embodies an epoch of history or a great social movement. Rarer still is one who fits this description not because of myth or mystique built around him by others, but because of tangible contributions he has made. Hugo Black was such a person.

As Justice Brandeis responded to the news of the death of Oliver Wendell Holmes, so must we respond to the passing of Justice Black: "And so the great man is gone."

Mr. LEGGETT. Mr. Speaker, on September 25, 1971, Justice Hugo Black died at the age of 85, after 34 years of service on our Nation's highest Court. Had Justice Black been able to serve on the Court until March of 1972, he would have had tenure on this highest bench unequaled by any other member of the Supreme Court. However, such a record term of service would have been a mere footnote to the career of Hugo Black, who will undoubtedly be listed with Taney and Marshall as one of the giants of American jurisprudence.

In an era of concern over our judicial process, and constant recriminations by critics of the bar on both sides of the ideological fence, the career of Justice Black stands as a monument in our judicial history.

Perhaps no other man in the history of the Court so revered the Constitution as a source and rock of the American system. Few articulated so lucidly and forcefully a philosophy of this 18th century document which has served our Nation for almost 200 years.

Justice Black once said—

I believe that our Constitution with its absolute guarantees of individual rights is the best hope for the aspirations of freedom which men share everywhere.

Justice Black stood by this statement in each of his decisions. One cannot say that Justice Black was not a constitutionalist in the highest sense of the term, and his decisions will stand as examples of the most lucid interpretations and explanations of our Constitution.

To Justice Black, the Bill of Rights was the keystone of the Constitution. These first 10 amendments were absolutes which must stand without equivocation or compromise. In days such as we now face, Justice Black will be missed, for few men can stand before the onslaught which faces our courts in the name of judicial reform.

Of all the amendments, Justice Black considered the first amendment the cornerstone of liberty, freedom of speech the heart of this cornerstone. "My view is, without deviation, without any ifs, buts, or whereases, that freedom of speech means that you shall not do something to people whether for the views they express or the words they speak or write," he said in 1962.

To find a replacement of Justice Black's caliber will be a difficult if not impossible task. This Nation has lost one of its great public figures, and I join with my colleagues in the House in mourning this loss.

Mr. NIX. Mr. Speaker, I welcome this opportunity to pay tribute to a great American.

Justice Black was one of the greatest jurists of our history. He was also one of the great examples of the enobling powers of great responsibility.

When he was named to the Supreme Court by President Franklin D. Roosevelt, there were many, especially many in the black community, who felt that he was wholly lacking in sympathy with the aspiration of the black minority in America. It was felt that his background in Alabama precluded his development of the basic humanitarian qualities necessary in a Justice of the Highest Court in the land.

I am very frank to say that this assessment was thoroughly wrong. And over the years I have come to understand why it was in error.

There is an understandable inclination on the part of public men to aline themselves with the forces that dominate their political environments. There is, however, the saving grace of our national system which was illustrated by the career of Justice Black.

Once a man has achieved the high office of his ambition and once he assumes a national responsibility, the true man is free to emerge from the restraints of his parochial environment.

In the case of Justice Black it was a great man who emerged. His extraordinary talents became upon the Court a vital force for the development of equal opportunity, for justice and for individual freedom in this great land. He revealed himself as one of the greatest of Americans.

I am privileged, Mr. Speaker, to join my colleagues in paying tribute to this great man. The entire Nation is in his debt.

Mr. VANIK. Mr. Speaker, Justice Hugo Lafayette Black is one of the authentic giants in the development of American legal history. As an Associate Justice of the Supreme Court for 34 years, he shaped the course of American constitutional law as powerfully as any other jurist of the 20th century.

As an influential lawyer, a police court judge, and a prosecuting attorney, he served his local community as an outstanding citizen. His diligence and hard work elevated him to national prominence as a U.S. Senator and as a champion of the New Deal. Franklin D. Roosevelt appointed Black to the Supreme

Court, and the Justice served on the highest court for 34 years.

Some called him a radical because he believed in according the freedom of expression to extreme opinions, and in assuring all protection of due process to defendants. These decisions were rooted in the deepest commitment to human equality and individual liberty. In this area particularly, he believed in taking the Constitution altogether literally. He was, in short, an absolute or strict constructionist. He saw the concept of freedom as the essence of American life.

It has been said that the history of American democracy has been the gradual realization, too fast for some, too slow for others, of the full implications of the Declaration of Independence. Justice Black, as much as any man in our Nation's history, has helped bring us to a full realization of the meaning and challenge of true democracy and freedom.

The simplicity of the Justice's private life matched the purity of his judicial philosophy. When he loved, he loved deeply, and what he believed in, he believed in with total conviction. The greatness of his contribution to America is paralleled by his greatness as a man. He will be missed.

Mr. WILLIAM D. FORD. Mr. Speaker, the people of this country have suffered an irreparable loss in the passing of Mr. Justice Hugo LaFayette Black, Associate Justice of the U.S. Supreme Court.

It is very difficult to express our loss in words and even more difficult to summarize the remarkable and memorable qualities that Justice Black's life and career have exemplified.

Born the son of a poor farmer in rural Alabama, Mr. Justice Black rose to occupy two of the highest offices in the land—U.S. Senator and Associate Justice of the Supreme Court.

Although he served with distinction while a Member of the Senate, it was in his final position, as Associate Justice, where he truly excelled. He served his country in this capacity for over one-third of a century, but his impact on our legal system will be felt for centuries.

Mr. Justice Black will be especially remembered for his firm commitment to the Bill of Rights. He was so devoted to our Constitution that he kept a copy with him at all times and believed it to be the best hope for the aspirations of freedom which men share everywhere.

He was not a physically large man, but he will be remembered by all of us as a legal giant, a towering figure of legal wisdom whose service to his profession and to his country typified the very highest standards of the American judicial system.

Mr. Speaker, Mr. Justice Black is now a legend. Generations will read his famous opinions; and generations will recognize him as one of the truly outstanding Supreme Court Justices in our history.

Mr. CARNEY. Mr. Speaker, America has lost one of its greatest men of law in the person of Hugo L. Black, Associate Justice of the U.S. Supreme Court, who passed away this week. A guiding spirit in the development of American jurisprudence over the past three decades. Justice Black opposed the forces of special interest at every turn, and championed the cause of the oppressed. He must be numbered among the most controversial Justices in American history, and, in my opinion, one of the finest.

When he was appointed to the Supreme Court, in 1937, Hugo Black already was famous as a Member of the U.S. Senate, where he had earned a reputation as the champion of economic reform. The country was involved at the time in the New Deal programs of the second administration of President Franklin D. Roosevelt, and Black was a leading supporter of the New Deal. As a member of the Supreme Court he maintained his position as proponent of reform.

In the opinion of Justice Black, the most important document in American history was the Bill of Rights, designed to serve the interests of individual Americans against the excesses of government and the mob. At all times, he held against the notion that the majority has the right to set aside constitutional guarantees at the expense of individual rights. For many years he stood apart from a majority of the Court on issues involving free speech and other personal freedoms. Yet so great was the force of his logic and his arguments that in time the Court altered its position to agree with his.

It has been said that the so-called Warren Court was the most spectacular Supreme Court in the history of the Country—that the decisions handed down under its authority were of more importance than those of any predecessor Court. That may well be the case. And in all such decisions the views of Justice Black were vital to the outcome. When the President of the United States moved to seize control of the steel mills in 1952 by executive decree, Justice Black opposed the action and the Court declared against it. The 1954 decision striking down racial segregation in the public schools was officially unanimous. In fact, however, there was considerable opposition voice behind the scenes, and Justice Black was one of the leaders in favor of this vital change in national policy. When the Court, in 1963, considered the right to counsel on the part of anyone accused of a serious crime, Justice Black declared in favor of the right and again the Court agreed. So it was in case after case of major significance—the right to retain your citizenship until you, yourself, choose to renounce it; the use of public funds to transport children to parochial schools; the 18-year-old voting law—all were defended by Justice Black and all were upheld by the Court.

It is difficult to measure the relative importance of Supreme Court Justices, but Justice Black appears to have played the major role over the past 30 years in guaranteeing equal justice under law to all Americans.

His passing is a great loss to the Supreme Court and to the American people.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join in this special order of the gentleman from Illinois (Mr. MIKVA) and the gentleman from Texas (Mr. ECKHARDT) to pay tribute to the late Justice Hugo L. Black who died a week ago at the age of 85 after serving 34 years on the bench. Mr. Justice Black will best be remembered as a staunch defender of the Bill of Rights—as a champion of individual freedoms and civil liberties. In President Nixon's words:

> Justice Black believed that the primary responsibility of the judiciary was that of giving force and effect to constitutional liberties—his faith in the United States Constitution was absolute and so his convictions were rooted absolutely.

Indeed, as President Nixon has said, "his imprint on the Court and our Nation will be indelible." Washington Post staff writer Alan Barth observed of Black:

> What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. He believed in the utility of freedom, in the survival value of a free society.

In his James Madison lecture on the Bill of Rights, Black said the Framers were aware of the risks involved with the first amendment: "they knew," in his words, "that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny." Black went on to say:

> With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Justice Black's belief that the due process clause of the 14th amendment was designed to make the Bill of Rights binding on the States as well as the Federal Government—a view set forth in a dissenting opinion back in 1947—eventually gained at least partial acceptance over the years in a series of major cases which together comprise what has been termed a revolution in criminal law. Together, these decisions assure to criminal defendants throughout the Nation almost all of the protections guaranteed in the country's Federal courts. Perhaps the most famous of these was a 1963 decision that the right of counsel guaranteed by the sixth amendment applies to State as well as Federal courts. The decision in Gideon against Wainwright marked a reversal in the 1942 ruling in Betts against Brady, a ruling against which Black had vigorously dissented.

Mr. Speaker, it was 34 years ago today that Justice Black assumed his seat on the Bench as the first appointment to the Supreme Court by President Franklin D. Roosevelt. Only two other Justices have served longer than he, and only two others were older than he when they left the Court. Today we not only mourn the passing of this most distinguished jurist and scholarly legal philosopher, but we take this opportunity to recognize the great contributions he has made to our free society for over a third of a century

and the legacy of freedom which is passed on to future generations of Americans because of his efforts.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was 34 years ago this month that Justice Hugo Black assumed his seat upon the Supreme Court of the United States. As the Court reassembles this month, his loss will be keenly felt, for the impact of his authentic genius for law and commitment to equal justice through law has had a far-reaching influence upon the development of American jurisprudence.

It is with deep sorrow in his passing, and profound respect for the legacy of honor and wisdom and an unparalleled devotion to duty, which were the hallmarks of his character, that I speak in tribute to his memory.

The exemplary character of his life, and the pervasive influences of his judicial commitments to the freedoms of speech, of worship, of opportunity, and of self-growth, reflect great honor, not only upon Justice Black's memory, and the Court, but upon the Nation, and our people, as well.

Remarking once, of his rise from humble beginnings, to the greatness we have recognized in him, Justice Black stated:

It is a long journey from a frontier farmhouse in the hills of Clay County, Alabama, to the United States Supreme Court.

Mr. Speaker, it was a long journey, and perhaps the most worthy memorial of Justice Black is not in our expressions of respect and affection, but in his own example, which will surely inspire countless young Americans to take a similar long journey, and attain the distinction of this selfless and noble gentleman, whose entire life and judicial career served to carve out in clearer detail the steps, for others to follow, in that long journey.

Mrs. HANSEN of Washington. Mr. Speaker, it is with the deepest regret that Americans observe the passing of Justice Hugo Black. We have been uniquely fortunate during the 34 years of his tenure on the Supreme Court to have a man whose wisdom, convictions, and strength were forged by his early years among common men in rural America. It was his effort to protect their freedoms, as guaranteed by the Constitution, that was continually evident in his superb judicial advocacy. His opinions on the rights of free men and the clarity with which he expressed them have made an impression on our judicial system and our way of life that will never diminish.

The importance of constitutional considerations in our increasingly complex, and often confusing, modern society has grown in magnitude, and the future responsibilities of our highest court will indeed be grave. At a time when his firmmindedness and consistency are most needed, it will be missed. A great scholarly maturing and discipline of exceptional abilities will be necessary to fill the void his death has created.

Mr. FRASER. Mr. Speaker, the death of U.S. Supreme Court Justice Hugo Black after 34 years of service on that body has deprived the Nation of one of the greatest titans in the history of our judicial system. Possessed of a profound faith in our Constitution, he did perhaps more than any other single individual to give force and effect to the protections of the Bill of Rights. Throughout his lifetime he championed the cause of civil liberties and personal freedom.

As a police court judge and prosecutor in his native Alabama, Hugo Black established standards of evidence which helped put a stop to arbitrary arrest and imprisonment of the poor and black for such minor offenses as dice games, and he won a grand jury indictment of police for methods ranging from third-degree interrogation to torture to obtain confessions. In the Senate he fought for the inclusion of blacks under the provisions of the Fair Labor Standards Act. He was a relentless, implacable investigator of powerful industries and corporations and their lobbying techniques, and as a powerful supporter of the New Deal he was an outspoken defender of the "little man," the economic underdog.

From the time of his appointment to the Supreme Court by President Roosevelt, Justice Black argued that the due process clause of the 14th amendment was designed to make the articles of the Bill of Rights, originally applicable only to the Federal Government, binding upon the States as well. Although he never succeeded in persuading a majority of the Court to accept this view, over the years the Court evolved toward his views in ruling that the 14th amendment protects against infringement by the States on the guarantees of the first amendment, the fourth amendment, the fifth amendment's privilege against self-incrimination, the sixth amendment's rights to notice, confrontation of witnesses and the assistance of counsel, and the eighth amendment's prohibition of cruel and unusual punishment.

These decisions, taken together, wrought a revolution in American criminal law, an achievement due in great part to the work of Justice Black. In sum, they extended to criminal defendants in State and local courts almost all the protections guaranteed by the Nation's Federal courts.

However, it was in the area of first amendment rights—the freedoms of conscience, expression, and association—that Justice Black made his greatest contribution and expressed himself with greatest force. His creed was both simple and profound:

Freedom to speak and write about public questions, is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.

For Justice Black, it was freedom that constituted the essence of the American idea. He loved America deeply, and he believed that America will remain strong so long as she remains free. This faith found what was perhaps its most eloquent expression in our history in his James Madison lecture on the Bill of Rights. He wrote:

Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss, and deny. The Framers knew, better perhaps than we do today, the risks they are taking. They knew that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow, and carelessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Hugo Black had the essential quality of a great judge—the inner strength to be independent. He devoted his life to the Supreme Court of the United States, and he persistently stood by his principles, even when he constituted a minority of one. No other Supreme Court justice has lived to see so many of his dissents become the law.

This Nation must mourn his passing with sorrow and a deep sense of loss, but the monumental contributions of Justice Hugo Black to our constitutional law will stand as a magnificent memorial to his humanity, his brilliance, and his faith in America.

Mr. WHALEN. Mr. Speaker, it is extremely fitting that we pause today to pay tribute to the late Supreme Court Justice Hugo L. Black. Few citizens have served their National Government for almost a half a century, as Justice Black did. Fewer still have served their country with such singular distinction.

Because Hugo Black spent three-fourths of his service in the judicial branch, we tend to forget the 10 years during which he represented the State of Alabama in the Senate of these United States. Yet, millions of Americans always will reap the benefits of two of his deepest legislative interests—the Tennessee Valley Authority and fair labor standards.

Mr. Speaker, I can think of no greater commendation of Justice Black than to recall, in his own words, the faith he had in the principles upon which this Nation was founded. In the difficult times which confront us, his utterances perhaps can strengthen us as we continually strive to make the ideals of our forefathers realities.

In his James Madison lecture on the Bill of Rights, Justice Black eloquently expressed his faith:

Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be

the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Mr. Speaker, Mrs. Whalen joins me in extending our sympathy to Mrs. Black and their family. May Hugo Black rest in peace.

Mr. FISH. Mr. Speaker, I rise today to join with my colleagues and pay tribute to one of the truly great jurists in the history of this Nation, Justice Hugo L. Black. Mr. Justice Black served on the Supreme Court for a term of 34 years—only two men ever served longer. During this period he came to be recognized as the philosophical leader of the "absolutist" school of legal thought, which came to full fruition in the era of the Warren Court with landmark decisions in the areas of criminal law, civil rights, reapportionment, freedom of speech, religion, and press.

The principles and concepts present in the Bill of Rights were the cornerstone of Black's constitutional philosophy. He believed most strongly that the rights of the individual must be protected against possible incursion by governmental action and that the Bill of Rights was relevant and applicable to modern problems and threats. These views were perhaps best expressed in his famous dissent in the case of Adamson against California:

I cannot consider the Bill of Rights to be an outworn 18th century "straight-jacket" . . . Its provisions may be thought outdated abstractions by some and it is true that they were designed to meet ancient evils. But they are the same kind of human evils that have emerged from century to century whenever excessive power is sought by the few at the expense of many . . .

In my judgment the people of no nation can lose their liberty so long as a Bill of Rights like ours survives and its basic purposes are conscientiously interpreted, enforced and respected so as to afford continuous protection against old, as well as, new devices and practices which might thwart those purposes.

A grateful nation will sorely miss a man who thought and wrote such words. Now dead at age 85, the memory of Hugo Black distinguishes the high court on which he served and the American people he served so well.

Mr. UDALL. Mr. Speaker, it was my good fortune to know Justice Hugo Black and his family on a personal basis, beginning with a friendship I formed with one of his sons at the University of Arizona a quarter of a century ago. I am privileged to join in these tributes to one of the giants of our time.

There are perhaps two qualities of Justice Black's which stand out among many—his fierce independence and his devotion to the Constitution of the United States. Although the man and his service to this Nation were of such a greatness as to defy easy characterization, it is clear that, above any considerations of popularity or the mood of any particular time, he steadfastly pursued the principles the Constitution laid down and from them developed his own judicial philosophy which he applied with equal vigor to each of the cases which came before him.

It is worthy of emphasis that Justice Black's philosophy was a judicial philosophy and not a political philosophy. He embodied the ideal judicial temperament. He felt that his view of the Constitution was that of the Founding Fathers, but political considerations played no role in that belief. Justice Black reached his conclusion on the basis of scholarly legal study which continued throughout his life. One feels certain that if this continuing inquiry had led him to conclude that his interpretation was wrong, he would not have drawn back from change.

Justice Black was for years in a decided minority of the Court on issues of free speech and the scope of the Bill of Rights. In neither of these areas has the Court adopted Justice Black's philosophy in full, but he never wavered from the principles he held so dear and many of his early dissents are law today. All citizens are more secure in their freedoms because of his perseverance. We mourn his passing, but we are grateful for his service. He lives on through his works.

Mr. BEGICH. Mr. Speaker, Washington, D.C., and the United States are filled with men and women who knew Justice Hugo Black and his work far better than I. To them I will leave the privilege of comprehensively eulogizing the personal qualities and wonderful professional contributions of this man.

For my own part, I can express my respect and admiration for Justice Black in very few of my own words, along with many of his own. Justice Black provided constant assurance that the Supreme Court of the United States should provide no haven for mediocrity, and must seat only those of supreme judicial and human quality, regardless of philosophical difference. Justice Black, through his own massive contribution, proved that the greatest tragedy that can befall the Court is not a shift in philosophical direction, but the loss of true judicial quality where the loss is born of a failure to respect the Court itself.

There was no lack of controversy in the history of Justice Black, yet his decisions were marked by a devotion to principle almost unequal in U.S. judicial history. The Black-Frankfurter debate, which lasted a quarter century, is a confirmation of everything the Supreme Court should be.

In the final analysis, which is never possible so shortly after the death of a great man, I suspect it will be his contribution to the meaning of the first amendment which will assure Justice Black's place in history.

In a gesture which became a trademark, Justice Black, when asked about the first amendment, would peruse a tattered copy of the Constitution he knew literally perhaps better than any other man. He would discover the first amendment and read it as if he had never really thought about the problem before, and make very clear findings about what he thought it meant. I would share some of those thoughts with my colleagues. They speak more eloquently than anything I could say:

The First Amendment provides the only kind of security system that can preserve a free government, one that leaves the way wide open for people to favor, discuss, advocate or incite causes and doctrines, however obnoxious and antagonistic such views may be to the rest of us. *Yates v. U.S.* (1957) (dissent).

That is a wonderful aphorism about shouting "fire" in a crowded theater. But you do not have to shout "fire" to get arrested. If a person creates a disorder in the theater, they would get him out of there not because of what he hollered but *because* he hollered. (In response to Justice Holmes' "clear and present danger" test).

Freedom to speak and write about public questions is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death. *Chambers v. Florida* (1940).

[I believe] that the First Amendment grants an absolute right to believe in any governmental system, to discuss all governmental affairs, and to argue for changes in the existing order. This freedom is too great for bad, tyrannical governments to permit. . . . I happen to believe that our Nation cannot be imperiled by mere talk. (1949).

Ultimately, all the questions in this case all boil down to one—whether we as a people will try fearfully and futilely to preserve democracy by adopting totalitarian methods, or whether in accordance with our traditions and our Constitution we will have the confidence and courage to be free. *Barenblatt v. U.S.* (1959).

Mr. BURTON. Mr. Speaker, I join with my distinguished colleagues today in the commemoration of the late Supreme Court Justice Hugo Black.

Justice Black has left an impact on the Court in the tradition of those who have gone before him. To the historic memorial roster which includes many great names in American history: Marshall, Holmes, Brandeis, Hughes, Frankfurter, and Warren must now be added, Hugo Lafayette Black.

Justice Black was a man of intellect and integrity but his hallmark on "the Court," to use his own phrase was his "constitutional faith."

He wrote:

Under our Constitutional system courts stand, against any winds that blow, as a refuge for those who might otherwise suffer because they are helpless, weak, outnumbered or because they are nonconforming victims of prejudice and public excitement.

Justice Black was a vital part of the strength that withstands these winds and his courage and stature will be sorely missed.

Mr. GUDE. Mr. Speaker, it is with a sense of sadness and loss that I today join my colleagues in paying tribute to Justice Hugo L. Black. During his 34 years on the Supreme Court, Justice Black established himself as one of the most learned and effective men to ever sit on that bench and, beyond any doubt, left his stamp upon the history of American jurisprudence.

Justice Black wrote with clarity, and with the greatest passion and force concerning the first amendment and the individual rights guaranteed therein. He held:

My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they express or the words they speak or write.

Hugo Black regarded judicial restraint as a requirement to adhere to the boundaries of the language of the Constitution. In this light, he was the definitive strict constructionist. He followed literally the clear wording of the first amendment that—

Congress shall make no law . . . abridging the freedom of speech or of the press.

Among the legal doctrines that bear Black's imprint perhaps the most noted is the view that the due process clause of the 14th amendment makes the articles of the Bill of Rights applicable to the States, as well as to the Federal Government. While this argument was never accepted by a majority of the Court, the doctrine of selective incorporation has made a number of the first 10 amendments binding on the States.

No recollection of Justice Black's legal theories, however, can ever represent the man. He will be remembered, along with a handful of past jurists, as one of the giants of the Court, and I feel one of the main reasons for this was his view of our judicial system. He wrote:

Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement.

Hugo Black's wisdom, counsel, and presence will be sorely missed by his legal profession and by his country. The words of tribute we speak today can do nothing to ease this loss. We can count ourselves truly fortunate, however, for the decades of service he gave us, and for the record he left behind.

Mr. STOKES. Mr. Speaker, I rise to join in paying tribute to Mr. Justice Hugo Black. His passing deprives the Nation of its foremost expositor and defender of individual liberties.

I was privileged to argue before the Supreme Court. That experience and the many hours I have spent reading the Court's decision have instilled in me a profound respect for his wisdom and his legal scholarship.

Mr. Justice Black venerated the Bill of Rights and recognized that the rights of persons accused of crime must be protected if the rights of others are to survive. Over and over he expressed the view that freedom of the press and freedom of speech are absolute rights which are guaranteed to dissidents as well as those with whom we agree. He was, without doubt, one of the strongest, most dedicated protectors of individual liberties who has sat as a justice of the Supreme Court.

As a member of the Warren Court, Mr. Justice Black participated in the series of civil rights decisions which so substantially contributed to the progress of the social revolution we have been witnessing. His loss will be felt most deeply by the poor, black, and oppressed citizens of our Nation.

Mr. MORSE. Mr. Speaker, few men in the history of our Nation have been as aware and as sympathetic for the problems of ordinary men and women, and few have contributed so substantially to the development of constitutional protections for our citizens as has Supreme Court Justice Hugo Black. With his passing, this Nation has lost a great and devoted public servant, committed to the protection of the Constitution and the common man.

Born the son of an Alabama farmer, Justice Black served as a police court judge, as a prosecuting attorney, as an influential lawyer in private practice, and as a distinguished member of the U.S. Senate for more than 10 years, where he championed the policies and programs of the New Deal, and sponsored the bill that became the Fair Labor Standards Act. Finally, in 1937, he was appointed an Associate Justice of the Supreme Court by President Franklin Delano Roosevelt, and thus began his historic career of 34 years.

During his term on the Supreme Court, one of the longest in its history, Justice Black was the author of the 1947 ruling permitting the use of public funds to transport children to parochial schools; the 1962 ruling against prayers in public schools; the 1963 decision guaranteeing legal counsel to all criminal suspects; and the 1970 decision upholding the right of 18-year-olds to vote in Federal elections. It was mostly through the cogent reasoning of Justice Black that the Court gradually extended the 14th amendment to protect individuals from actions of State and local governments which violated the liberties guaranteed by the first, fourth, fifth, sixth, and eighth amendments. For Black, the freedoms of conscience, expression and association were at the heart of our Constitution and of democracy, and it was in this area of law particularly that he did his most important work, always striving to apply the protection of the Constitution to ideas, regardless of his personal feelings about them.

Hugo Black was a man of conscience and of law, a spirited and forceful judge. He was a great man, a towering force in shaping the course of American constitutional law. His loss will be felt for many decades to come.

Mr. JONES of Alabama. Mr. Speaker, an unusual record of service to his country was established by Justice Hugo Black during his long tenure on the Supreme Court and during his 10 years as a U.S. Senator from Alabama.

He was steadfast in following a philosophy of government which was held by him during his adult life. He put faith in the Constitution and vigorously espoused the position that the words of the Constitution meant exactly what they said.

Following the announcement of his retirement, numerous comments were offered about the great significance of his work on the Supreme Court.

I include three of these viewpoints as a part of my remarks. All were written before his passing.

The first is an editorial by Mr. Ray Jenkins of the Alabama Journal in Montgomery, Ala. The second is a commentary from the Albany, N.Y., Knickerbocker News Union Star. The third is from the Christian Science Monitor.

The articles follow:

[From the Alabama Journal, Sept. 20, 1971]

THE LEGACY OF HUGO BLACK

In his 34 years as a member of the U.S. Supreme Court, Justice Hugo Black participated in something over 3,000 legal decisions. Many of those decisions remain the source of the most fractious national controversy, but on one point, the justice's admirers and detractors will agree: on his retirement at 85, Hugo LaFayette Black takes his place beside John Marshall, Roger B. Taney, and Oliver Wendell Holmes as the most influential justices ever to sit on the court.

It would be folly to attempt to enumerate even his major achievements in so short a space as this, but if there is a consistent thread that ran through his judicial philosophy, it was his passionate faith that the Bill of Rights, strictly applied, was "the best document that has even been written to control a government."

It follows that he would believe that this Bill of Rights, particularly the First Amendment guaranteeing freedom of speech and of religion, contained certain absolute guarantees which no government from City Hall to the National Capitol could abridge. He believed that the Founding Fathers, painfully and personally familiar with the tyrannies at large in Europe, meant to forbid government forevermore from interfering with the right to speak what one chooses, to associate with whom one chooses, and to worship or not worship as one chooses.

Equally absolute, in Black's mind, are the commands of the Fourth, Fifth, and Sixth Amendments—the fair play guarantees of the Bill of Rights. He believes that these amendments were written to make it difficult, not easy, to put a man in jail or seize his property. He is aware that the strict application of these guarantees will mean that some criminals will escape prosecution. But he is less frightened over the prospect of a criminal at large than the pervasive symbols of governmental tyranny—the rap on the door in the night, detention without charge, denial of legal counsel, coercion of confessions through physical or mental torture, and denial of a fair trial. In one of his most famous dissents, he wrote:

"The framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it was the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man."

His faith in the utility of free speech was infused in many impassioned dissents at a time when the Court was holding that freedom of expression, conscience, and association could be fettered in deference of something vaguely called "the national interest." On one such occasion, he wrote:

"I cannot agree with the Court's notion that First Amendment freedoms must be abridged in order to 'preserve' our country. . . . The only constitutional way our Government can preserve itself is to leave its people the fullest possible freedom to praise, criticize, or discuss, as they see fit, all government policies and to suggest, if they desire, that even its most fundamental postulates are bad and should be changed. . . . Our Constitution assumes that the common sense of the people and their attachment to our country will enable them after free discussion, to withstand ideas that are wrong."

To many, Hugo Black was a baffling enigma, a former Ku Klux Klansman who was to become the nation's most consistent and eloquent champion of the rights of racial and religous minorites. It was a riddle which is understood; however; by anyone familiar with our region's history. As a product of one of Alabama's poorest sections—Clay County—he could look about him and see his people held down by ignorance, malnutrition, one-crop agriculture, and the like. This tragic waste of human and natural resources, he knew, could only be stopped by vigorous government action as exemplified Roosevelt's New Deal.

It is safe to assume, then, that his affiliation with the Klan was a political necessity if he was to accomplish his higher goals.

So it was that when the time came, he could be in the vanguard of those who would make good the promise of the Constitution which had been meaningless to the 10 per cent of our people who happened to be Negroes. Although this stand initially brought him the scorn of many Southerners, in retrospect it seems clear that he was motivated by that traditonal Southern sense of fairness coupled with an awareness that Constitutional guarantees must protect everybody—regardless of race, religion, or political belief—or soon they would protect nobody.

On his retirement, this state can take much pride that it has contributed to our nation and to history a doughty warrior in behalf of liberty and justice and equality.

[From the Knickerbocker News and Union-Star, Sept. 21, 1971]

CONTROVERSIAL CASE ORIGINATED IN ALBANY: JUSTICE HUGO BLACK AND THE REGENTS' PRAYER

(By Robert G. Fichenberg)

In an age that has not produced many authentic American heroes, a slender 85-year-old man who lives in a lovely old house in Alexandria, Va., and whose chief avocation until his recent illness was playing a brisk daily game of tennis with his wife, truly is of heroic mold.

Hugo LaFayette Black, who retired from the U.S. Supreme Court over the weekend because of illness, after 34 years on the nation's highest tribunal, doesn't look like a hero and would be one of the last persons in the universe to regard himself as one.

He hasn't scaled a hitherto unscaled mountain peak at risk of life or limb. He hasn't flown to the moon or stormed an enemy stronghold in combat or performed any comparable feat of physical derring-do. But for the last 34 years, while other Americans were going about their various personal pursuits, Hugo L. Black waged a ceaseless struggle from his Supreme Court bench to secure for all Americans those basic freedoms supposedly guaranteed by the Bill of Rights—especially the freedoms of speech, religion, press, assembly and the right to a fair trial.

He fought the battles especially for those Americans who were unable to fight effectively for themselves—the poor, the blacks and Puerto Ricans and all the minorities and underdogs and disadvantaged in a theoretically egalitarian society in which, too often, some citizens are regarded as "more equal" than others.

For this he was reviled, as are, paradoxically, most men who speak up for the weak and oppressed. He also is hated because he is one of those rarities in public life: a man who speaks plainly, on principle. Justice Black has spoken up plainly for the Bill of Rights. He happens to think that the first 10 amendments to the U.S. Constitution mean exactly what they say and for a variety of reasons, this seems to infuriate many people.

Of all the stormy issues on which Justice Black wrote a decision, the most controversial by far was on a case that originated in Albany. It was the famous Regents' school prayer case—the very mention of which makes many people gnash their teeth to this day.

Genesis of the historic ruling was a decision by the New York State Board of Regents, during the early 1960s, to have the following prayer said aloud in public schools at the beginning of each school day:

"Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

Soon after the school prayer was introduced, five parents with children in the New Hyde Park, L.I., public schools challenged the prayer in the courts, contending that since the prayer was sponsored by an agency of the government, it violated the "separation of church and state" provision of the Constitution.

After the case had gone up through the New York State courts to the Court of Appeals, which affirmed the Regents' right to institute a school prayer, the plaintiffs appealed to the U.S. Supreme Court.

On July 25, 1962, the day on which Hugo Black completed his 25th year as an associate justice, the Supreme Court struck down the Regents prayer in a 6–1 decision with Justice Frankfurter out ill and new Justice Potter Stewart was the lone dissenter. Justice Black wrote the majority decision.

A storm broke immediately, embracing Congress and the nation at large. There were demands that the six justices who joined in the majority decision resign immediately. When the justices did not oblige, the demands were stepped up to calls for impeachment. Many prominent national figures, public officials and clerics who should have known better reacted with statements that verged on the hysterical.

Few of the critics had read the complete text of Justice Blacks' opinion (The Knickerbocker News was one of the few newspapers that published the text in full) and most of the complainants had missed the essence of the ruling, namely, that what was wrong was not the prayer but the place. One who didn't miss the point was the late President Kennedy, who called the ruling "a welcome reminder to every American family that we can pray a good deal more at home and attend our churches with a great deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all our children."

In his decision, Justice Black went to the heart of the matter: the Constitution meant exactly what it said. The First Amendment's prohibition of any law establishing religion, the justice said, means just that—no law—and the Regents' prayer was established by such a law.

Then Justice Black, followed with a scholarly, but stunningly lucid description of the historic background for the "'separation of church and state" principle in the Constitution.

"It is a matter of history," he wrote as a reminder to those Americans who had forgotten their history, "that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America."

To those who also had forgotten the nature of man, Justice Black had this reminder:

"It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies."

These are some of the reasons why the freedom of religion clause was written into the First Amendment, because—as Justice Black wrote—"these people knew, some from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the government's placing its official stamp of approval upon one particular kind of prayer . . . or religious service.

Justice Black pointed out that the framers of the "separation of church and state" clause were men who had seen what government meddling in religion and religious persecution had done in Europe and who fled to this country "filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose."

Finally, in language that anyone could understand, Justice Black put the issue plainly: The government should stay out of the business of writing prayers and the church should not meddle in government.

Obviously, Justice Black's eloquent decision didn't convert any of the critics, primarily because very few of them, to this day, have read the complete decision. If they had, for instance, so many of them still wouldn't be uttering such nonsense as "They're taking God out of the schools" or "Now they'll have to take all references to God out of the Declaration of Independence and anthems and 'In God We Trust' off our coins."

For if these people had indeed read the school prayer decision in its entirety, they would have come across this important footnote:

"There is of course nothing in the decision reached here that is inconsistent with the fact school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity, or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

Clear enough.

[From the Christian Science Monitor, Sept. 21, 1971]

A TRUE CONSERVATIVE

President Nixon's problem of finding a suitable successor to Mr. Justice Hugo Black is obscured by semantics. In popular parlance Mr. Nixon will be searching for a "strict constructionist" to replace the "liberalism" of many a decision influenced by the towering mind which is now leaving the Supreme Court of the United States.

But the truth of the matter is that Justice Black was one of the great "strict constructionists" of court history. He was a profound believer in the Bill of Rights; that document which was added to the Constitution in the form of the First Amendment to protect the freedom of the individual from the power of the state.

The original Constitution was concerned with the structure of government, not with the relationship of government to the individual citizen. It provides for a republican form of government. Had there been no Bill of Rights the Constitution would have permitted the new government to be as arbitrary towards the individual citizen as was the government from which the American colonies were escaping.

The Bill of Rights has ever since stood between the individual and arbitary state power, but there are always those who want to enlarge the power of the state and narrow down the rights of the individual. Justice Black took the Bill of Rights seriously, even literally. He believed that freedom of speech, no matter what its consequences, was less dangerous to society than censorship; that a citizen really did have the right to refuse to incriminate himself.

Over and over again he influenced the court in the direction of protecting the freedom of the individual against the power of the state.

He was a true conservative; so conservative that he believed the Constitution should and could be made to work.

There is no one else on the court who has felt so strongly about the rights of the individual citizen. Others have often accepted the Black view, but without him it is doubtful how much of the Bill of Rights would survive today.

It is constantly being argued in these times that freedom for the individual is incompatible with the needs of modern, industrialized, urban society. There are plenty of pessimists in the United States today who assume that the kind of individual freedom Justice Black upheld is a relic of 18th century utopianism. The current issue of Time magazine carries on its cover the startling assertion, "We can't afford freedom."

We hope that in selecting a successor to Mr. Justice Black, Mr. Nixon lean to the side of those who believe that the Bill of Rights is still workable, rather than to the side of the pessimists who consider freedom out of date.

GENERAL LEAVE TO EXTEND

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the late Honorable Hugo Black.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RHODESIAN CHROME AND U.N. SANCTIONS SPECIAL ORDER, MONDAY, OCTOBER 4, 1971

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, in its deliberation of H.R. 8687, fiscal 1972 authorizations for military procurement, the other body on Wednesday will consider an amendment which, unless altered, could cripple the United Nations at a time when that body is experiencing a transition that may well determine the course of world affairs for generations to come.

Section 503 of H.R. 8687, as it now reads, instructs the President to end existing prohibitions on imports of strategic and critical materials from non-Communist countries for as long as the importation of like materials from Communist-dominated countries is not prohibited.

While the language of this section alludes neither to the U.N. sanctions against Rhodesia nor to chromite specifically, its obvious intent is to have the United States unilaterally withdraw from the sanctions program so that Rhodesian chromite may be imported into the United States. The Department of State is opposed to section 503 for the following reasons:

First, resumption of trade with the rebellious Rhodesian regime would violate our commitment to the United Nations resolution which imposed economic sanctions against Rhodesia, a resolution wholeheartedly supported by the United States in the Security Council. As one of the five permanent members of the Council, the United States, by adopting section 503, would singlehandedly destroy the effect of article 41 of the United Nations Charter, which provides for the application of sanctions.

Second, such an unilateral action on our part would favor the repressive policies of the Smith regime and undermine British attempts to achieve a just settlement in their ongoing negotiations with the Rhodesian Government. According to the Department of State, these negotiations may bear fruit in the near future.

Third, for the United States to move at this time against the interests of black Africans would not only destroy any credibility we hold with other African nations but would also erode the faith of concerned citizens everywhere who have been advised by our President to "watch our actions, not our words."

More specifically, such an unwise and ill-timed action could be the death knell to our efforts to retain a United Nations seat for Taiwan. If the Taipei government is to remain in the United Nations family, the vote of every Afro-Asian member will be crucial.

Mr. Speaker, at this point I would like to place in the RECORD the comments on this issue which appeared recently in the Washington Post and the Christian Science Monitor editorial pages:

[From the Washington Post, Sept. 30, 1971]

UNDERMINING THE CHROME BOYCOTT

Senator Harry Byrd has a point: it is ironic that we buy chrome, a strategic metal used in jet aircraft, missiles and nuclear submarines, from the Soviet Union, which is the principal country we use the chrome to arm against. Some might argue the irony proves we arm too heavily. Mr. Byrd believes it proves we're beccming dangerously hooked on Soviet chrome. To unhook us, he wrote into the defense procurement bill a section reopening the American market to chrome from Rhodesia. Rhodesia has been unable to sell chrome here since 1966 when the United States agreed, at the United Nations, to stop trading with Rhodesia, which had declared independence from Britain under conditions permitting indefinite rule by a tiny white minority.

Well, legislators worried that we're dangerously addicted to Soviet chrome can relax. Moscow supplies 60 per cent of our needs but, even before the Rhodesian embargo, it regularly and reliably supplied about 30 per cent. Moscow has more than doubled the price but all prices have risen. Even the administration, which has hesitated to buck Mr. Byrd on the issue, concedes there's a big excess of chrome in the strategic stockpile. And only a tenth of our annual consumption goes to defense.

If Mr. Byrd prevails, the United States would—unilaterally and alone—be breaking its international word and its clear United Nations Charter obligation to enforce sanctions against Rhodesia. It would be jeopardizing Britain's current talks with Rhodesia, talks which Rhodesia joined only under the economic pressure created in due part by the chrome boycott and which aim at winning assurances of eventual majority rule. It would be undermining both its reputation for allegiance to democratic values, and its relations with black African states.

The Senate is now about to vote on an amendment offered by Mr. Fulbright which would give the President discretion to suspend the Byrd "buy-Rhodesia" section if "the national interest or a treaty obligation" so requires. It would be nice if Mr. Nixon would help along this bipartisan congressional effort. But even if political considerations hold him back, the Senate should proceed in the direction indicated by Mr. Fulbright.

[From the Christian Science Monitor, Sept. 28, 1971]

AN ILL-TIMED VOTE

The United States Senate, we believe, is morally wrong in voting to lift the ban on the import of chrome ore from Rhodesia in defiance of a United Nations embargo.

Its decision is all the more unfortunate in that it comes at a time when the British Government is engaged in extremely delicate negotiations aimed at finding a formula for reconciliation with its rebel excolony.

It is true that the sanctions imposed by the Security Council in 1968 have failed in their purpose of bringing down Rhodesia's white minority regime. But they have probably hurt the Rhodesian economy more than Prime Minister Ian Smith would like to admit.

Inevitably the Senate vote, which seems likely to be confirmed by the House of Representatives, will be hailed as a major victory by Mr. Smith. It could cause him to toughen his stand in the negotiations with Britain.

These talks can only succeed if Mr. Smith can be persuaded to agree to start his country on the path toward majority (i.e.) black rule.

If he thinks he can ensure Rhodesia's survival otherwise, he will certainly not yield on this one all-important point. For to yield would mean agreeing to elimination of the very raison d'etre of his regime. Now the U.S. Congress is in the process of encouraging him to hold out.

Apparently the Senate decision was influenced by a powerful lobby representing American metal companies with mining interests in Rhodesia. This will only make it look all the worse in the eyes of the black African countries which have long campaigned for tougher action against Mr. Smith's Rhodesia.

Early in this session of Congress, legislation identical to section 503 was introduced in both bodies. The House versions were referred to the Committee on Foreign Affairs and subsequently considered by the Subcommittee on International Organizations and Movements which I chair. In public hearings, the subcommittee heard testimony from witnesses representing the Government, industry and private organizations. Based on the facts derived from these hearings, the subcommittee unanimously agreed to table the legislation on the grounds that it was unwarranted and destructive. Shortly thereafter, the Senate Foreign Relations Subcommittee on Affairs held similar hearings and decided to table legislation identical to that introduced in the House.

Not to be denied, the proponents of this bill were successful in attaching it as a rider to H.R. 8687 in the Senate Armed Services Committee. As the facts surrounding this issue become clear, I am hopeful that the other body will accept the amendment to section 503 offered by the Chairman of the Senate Foreign Relations Committee.

However, should that amendment fail and section 503 remain intact, it is my intention to raise a point of order against that section in the House on the grounds

that it is not germane to the question of our Nation's defense.

A THING OR TWO THAT'S WRONG WITH THE REVENUE ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, reducing taxes has an undeniable appeal, and I have voted for my share of tax reduction bills over the years. But I cannot vote for this one. H.R. 10947 does have one or two good features, and it is an improvement over the package submitted by President Nixon; but the bad outweighs the good.

My principal objection to the bill is that it drastically reduces the amount of revenue that will be available to the Federal Government over the next decade. The Joint Committee on Internal Revenue Taxation estimates that the combination of the new "Job Development Credit," the modified rapid depreciation scheme—"Asset Depreciation Range" or ADR—the new Domestic International Sales Corporation—DISC—provision, and the increase in the low income allowance will cost the Treasury an average of more than $9 billion every year over the next 10 years in lost revenue. To put this in perspective, $9 billion is roughly three times more than the Federal Government will spend in the entire 1972 fiscal year on elementary and secondary education, six times more than will be spent on health research, six times more than the entire budget for the Environmental Protection Agency, and 30 times more than Federal spending on mass transit.

There is no indication that the demand or need for spending on such things as health, education, housing, transportation, and pollution control is going to decline over the next 10 years, and the money is going to have to come from somewhere. The Tax Reform Act of 1969 has already drastically eroded the permanent tax base.

The current bill just makes things worse. We are being extremely shortsighted on these tax bills, and we will pay for it in the years to come.

My second objection to H.R. 10947 is that the tax breaks it grants are heavily skewed in favor of corporations. Except for the increase in the low-income allowance—$1 billion a year—the only relief individual taxpayers get is from the one-shot, 1-year speed-up in the deduction and exemption increases. Possibly the elimination of the auto excise tax should be added, but this was scheduled to be phased out anyway, and the auto companies may stop passing the cut on to the consumer after a year or two. Business, on the other hand, gets a permanent $5.1 billion a year cut from the job development credit, a $3.9 billion a year cut from ADR, and $100 to $200 million a year from DISC. The ratio over the long run is about 8 to 1.

I am not opposed in principle to tax cuts for business. But a time when the full cooperation of labor is needed to make phase II wage-price restraints workable is no time to bait labor by pushing through tax cuts designed to send after-tax business profits soaring. If labor is going to be asked to exercise restraint in its wage demands, equity requires that corporate profits be also restrained. An excess profits tax may not be the way to do it, but tax policies designed to do exactly the reverse of what is required are certainly not the way to do it.

Another defect in H.R. 10947 is its protectionism. The buy American feature of the investment tax credit, coupled with the 10-percent import surcharge, takes us right back to the bad old days of Smoot-Hawley. Ironically, our insisting on these protectionist devices prevents our obtaining a decent realinement of currencies—a realinement which would save a lot more American jobs than these protectionist measures.

H.R. 10947 is also likely to be extremely inflationary. We are already facing a 2-year deficit in excess of $50 billion for the fiscal years 1971–72. Now this bill proposes to add another $25 billion-plus to the deficit over the next 3 calendar years, 1971–73. The prospect of these additions being recouped by expenditure retrenchments is approximately nil.

This is fiscally sloppy. It will make it a good deal more difficult to keep prices and wages restrained in phase II.

Finally, and sadly, H.R. 10947 once again ignores the need to finish the job of plugging tax loopholes that was so timidly begun with the Tax Reform Act of 1969. Billions of dollars in revenue are being lost through the jerry-built and loophole-ridden estate and gift tax system, the tax breaks enjoyed by the oil industry continue virtually undisturbed, millionaires continue to receive tax-free income from State and local bonds, and the minimum tax designed to make the very wealthy pay a little something in taxes appears to be filled with loopholes itself. There is going to be another taxpayers' revolt unless we do something about this. And the job is not made any easier by giving away now—for nothing—the tax reductions which may be needed to sugar-coat any real loophole-plugging tax reform.

THE RESTORATION OF MINED LANDS AFTER STRIPPING

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, many of us are concerned about the effects of strip mining of coal, and in a few instances another mineral, in our States.

I have long advocated legislation which would require the restoration of mined lands after stripping, with provision for bonding or otherwise guaranteeing that the reclamation job is done, which would assure its accomplishment even if the mining company went out of business.

My good friend, Congressman KEN HECHLER of West Virginia has introduced a bill to get rid of strip mining altogether. Although radical, his bill has drawn serious attention to the problem.

Congressman WAYNE L. HAYS has introduced another bill, somewhat less drastic, which would provide for Federal regulation to assure mined land restoration and prohibit stripping in areas too steep to be back filled.

The Washington Daily News, which has consistently supported progressive conservation measures through the years, carried an excellent editorial on the subject of strip mining in its September 30 issue. They call for prompt and effective controls, but they face up to the practical fact that 50 percent of our coal supply comes from strip mines and the problem of stopping abuses will not be solved by a measure which proposes to stop this type of mining altogether and force all miners underground where they are considerably less productive and in considerably greater danger.

The Washington Daily News editorial said:

DEALING WITH STRIPPERS

Reports that more than half our coal now comes from strip mines should be another reminder of the need for tighter regulation of coal stripping in this country.

With rare exceptions, the states have done a poor job of protecting themselves against rapacious mining practices—partly because of coal interests in the legislatures, partly because strip mining is often a fly-by-night operation difficult to police.

As a result, nearly a half-million acres of land have been coal-stripped in the last six years, and only one acre in eight has been reclaimed and beautified once the coal was taken out.

Rep. Ken Hechler, D-W. Va., supported by conservationists, has introduced a bill that would ban all strip mining, shut down existing strips within six months and require coal companies to submit reclamation plans within 60 days.

Unfortunately, the problem isn't quite that simple.

In the first place, legislation outlawing strip mining and putting 24,000 miners out of work has little chance of getting thru Congress, especially at a time when the national unemployment rate exceeds 6 per cent.

Secondly, the power companies can't afford to lose 50 per cent of their coal supply if they hope to keep pace with the rising demand for electricity.

And finally, there is solid evidence that stripped land can be restored—and even improved—if states are willing to pass and enforce strict surface mining laws like the one in Pennsylvania.

Rep. Hechler concedes that "much progress has been made in reclaiming strip-mined lands; there is no questioning that fact." So why not try reclamation on a national basis?

The Nixon administration is backing a plan under which the states would be given two years to meet federal mining and reclamation standards.

More direct is the proposal by Rep. Wayne L. Hays, D-Ohio, who wants to set up a Federal Strip Mine Reclamation Commission with the power to regulate strip mining in all the states. Stripping would be prohibited entirely in areas too steep to be effectively backfilled.

Tighter controls on strip mining are long overdue. And at the rate the diggers are defacing the land, there is no excuse for further delay.

Additionally, I offer an editorial from a recent issue of Life magazine by Edmund Faltermayer entitled "Taming the Strip-Mine Monster" which constructively discussed reclamation work in Pennsylvania:

TAMING THE STRIP-MINE MONSTER

I have long loathed the very idea of strip mining. When men tear open the land to a depth of a hundred feet or more to get a seam of coal and then abandon the site in a naked condition, the devastation can take millennia to heal. Nearby streams become murky with silt and toxic with acid. The huge, ugly spoil banks—the rocky material dumped to the side to expose the coal—support little vegetative cover and are prone to landslides. And when machines chew into the side of a mountain they leave steep "highwalls," or manmade cliffs, on the uphill side of the cut. Not long ago I saw hundreds of miles of these cliffs that have been slashed across the slopes of Appalachia, and it was a sickening sight.

Spurred by the shortage of coal for generating electricity, strip mining is expanding at a fearsome rate and now produces 40% of the nation's coal. Angry voices are calling for a halt to the practice. In West Virginia, young John D. Rockefeller IV, running for governor, demands that stripping be outlawed in his state "completely and forever." Another West Virginian, Representative Ken Hechler, has 90 cosponsors for his bill in the U.S. Congress to outlaw it nationwide. Abolition is the only solution, argues Hechler, because the various state laws requiring companies to restore strip-mined sites are weak, or have been sabotaged by lax enforcement. Furthermore, say the abolitionists, good reclamation—assuming companies could be compelled to do it—is so costly that it would wipe out the economic advantages of strip mining.

Yet the consequences of a total ban on strip mining—which would mean more reliance on nuclear power, and sending more men down to underground mines—are pretty unattractive too. Besides, the abolitionists haven't made a case that good reclamation of strip mines is prohibitively expensive. It costs $1.50 a ton less, on the average, to strip coal than to send men into the bowels of the earth for it. That cost advantage is so great that strip-mining companies can afford to do some pretty fancy regrooming if they are made to do it. I know this is so, because I've been to Pennsylvania, a state which rigorously enforces its reclamation law, the toughest in the land. A lot of Pennsylvania companies are now going beyond what the law requires—replacing topsoil, for example. "They've really got religion on reclamation now," says William E. Guckert, who runs the state's enforcement program. "But," he quickly adds, "they didn't get religion until we put the screws to them."

Cynics will greet with disbelief the news that there is a state government anywhere that puts the screws to the strip-mining industry. How it happened is worth telling. With more scarred acreage than any other state, Pennsylvania also has the country's biggest constituency of outdoorsmen to notice all the ruined terrain—1.1 million licensed hunters and 800,000 fishermen—and they know how to lobby. Pennsylvania also has Bill Guckert, a powerhouse of a man at 63 who got into the strip-mine fight in the 1950s.

The outdoorsmen fought hard to get a tough law on the books, Guckert recalls, and when some legislators sat on the bill "we beat the living H out of them" at the polls. A good law finally passed in 1963, and Guckert took over the enforcement agency four years later. Almost immediately, he was pressured by a political boss to go easy on a strip miner who was violating the rules. But Guckert, who had the full backing of then Governor Raymond Shafer (as well as his successor, Milton Shapp), angrily refused. From that day, he says, he has operated without political interference.

In the four years that Guckert and his 20 inspectors have been riding herd on 360 bituminous strip-mine operators, the results have begun to show. At 16 different locations I saw the land completely "backfilled" by law to approximately its original contours. This means that all the material in spoil banks has been bulldozed back into the deep trenches where the coal lay, in a manner that completely buries those ugly "highwalls." In Pennsylvania they not only backfill completely, but do it promptly, in order to minimize the exposure of acid-forming strata to air and water. Even temporary water pollution is prohibited. Water that collects while mining is underway must be treated in settlement basins.

We came to Emerson Bowser's farm in Jefferson County. His rolling cropland was literally turned upside down for coal—with vast spoil banks and 80-foot highwalls at one point—but today you'd never know it. Tall corn grows in the replaced topsoil, and the fertility is coming back. In five years, says Browser, "there won't be any difference," in his crop yields.

Pennsylvania in fact is getting an extra dividend from its law: vast tracts of land damaged in bygone days, when laws were lenient, are being restored. With today's bigger machines, companies can return to formerly strip-mined sites to work seams that were too deep to be stripped profitably in the past; and when they do, they must put the whole thing back together. In a mountainous area near Clearfield, in the center of the state, the improvement is breathtaking. On one side you can see an "active" site with spoil banks and lightwalls from the past, newly churned up for deeper coal—a lunar landscape if there ever was one. On the other side the land is regarded and planted as far as the eye can see. Companies returning to old sites are restoring "thousands of acres at no cost to the taxpayer," Guckert says. That is why he doesn't want to ban all strip mining now, for then the state itself would have to restore these "orphans" lands at enormous cost.

In the early 1960s, when trying to prevent passage of the Pennsylvania law, strip-mine companies warned that the cost of elaborate reclamation would put them out of business. As it turns out, strip-mine production of soft coal has increased somewhat under the new law, and reclamation adds an amazingly low 15¢ to the average cost of getting a ton of coal out of the ground.

The foes of strip mining take little comfort from the Pennsylvania experience, which to them comes from a unique combination of broad public concern and honest enforcement. Meanwhile, they say, the damage goes on. Stripping is just getting underway on a large scale in such western states as Montana, Idaho and Wyoming. To appreciate the freebooting atmosphere that still prevails in most states, cross from Pennsylvania into Ohio as I recently did. There, under the reclamation law that is an insult to the intelligence of that state's citizenry, companies are leaving sheer vertical highwalls, some of them 150 feet high and close to busy roads.

Obviously something has to be done, and quickly. Pennsylvania's reclamation standards, which may soon be tightened further, should become the minimum for the whole nation. The Nixon administration has proposed that Congress set federal standards for reclamation, to be applied within two years if states don't enact sufficiently strong rules in the meantime. But the states should not need a prod from Washington. Public indignation is rising, and a whole industry is, in a sense, on trial for its life.

THE SHARPSTOWN FOLLIES—XLIII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it turns out that one of the unsatisfied creditors of the bankrupt Sharpstown Realty Co. is one Will Wilson, Jr., to whom the sum of $11,000 is owed. This Wilson is none other than the same Will Wilson who was once employed as Sharpstown Realty's legal counsel, the same Will Wilson who himself borrowed tens of thousands of dollars from Sharpstown Realty, and paid it back, not in cash, but in kind. That's the sort of bartering that probably broke good old Sharpstown Realty in the first place.

I said once that Will Wilson at least stuck by his old pal, Frank Sharp. But I guess his loyalty does not reach as far as his wallet, because there is old Will, right in line behind the poor Jesuits, from whom Sharp stole millions, wanting to get his share of the very watery assets of Sharpstown Realty.

How is it that Sharpstown Realty ever wound up owing Will Wilson money, at this late date? He was supposed to have severed his ties with the Sharp empire way back in the beginning of 1969. Moreover, the last I heard, it was Wilson who owed Sharp money, not the other way around. But then the thickets and mazes of brambles of Sharp's finances make anything possible.

So there is old Will, Sharp's chief lawyer, out there in line with Sharp's other creditors. And imagine, Wilson's pals in the Justice Department let Sharp chisel the people out of even so much as having Sharp with a tenth of his crimes. Well, that is justice. If Wilson loses his 11 grand, that will be little enough of the justice he has coming to him. His loss will not hurt him nearly as much as the thousands of stockholders, the thousands of policyholders, and God knows how many other poor innocents who were scalped, sheared, and taken to the cleaners by Sharp and his pals, including our friend Wilson, lawyer, confidant of scoundrels and now, appearing in a new role in the Sharpstown Follies, mustachioed creditor, complete with black cape. I guess that Wilson figures that while it was OK for him to work out his debts to Frank Sharp, Sharp had better ante up his debts to Wilson in cold cash. That is the way things are in Sharpstown, where only yesterday, Wilson was a debtor. He has paid his debt to Sharp, in cash, in kind, and in immunity, and I suppose he figures it is time for Sharp to bleed for Will Wilson for a change.

STRIP MINING: A NEED FOR NATIONAL CONCERN OVER AN ECOLOGICAL DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 60 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, the practice of strip mining for coal is a deplorable practice. The price paid in environmental damage, personal injury and death, and sheer drudgery for those who must extract coal or any other mineral and ore simply is not worth the cost.

From time to time, the public's attention is brought to focus on this prob-

lem but because of the very nature of strip mining, with low visibility due to remoteness from population centers, it is difficult to maintain the spotlight on the problem.

Nonetheless, the pernicious practice continues and the devastation it causes continues to increase.

Our House colleague, the gentleman from West Virginia (Mr. HECHLER) has fought a continuing battle against this practice with limited success. This is no easy battle. There are many interests involved, many of them human interests, which are difficult to resolve. Nonetheless, he is to be highly commended for his past work and most deserving of assistance as he continues

These efforts are being assisted through the media. In particular, Mr. William Greenburg, of the Nashville Tennessean, is currently doing a series of articles on strip mining and the vast array of problems and complexities involved in equitably halting the practice, or at least bringing under reasonable controls to insure the environmental integrity of the regions which are mined as well as the economic viability and personal safety of those who are engaged in the practice.

I have found Mr. Greenburg's articles to be among the most enlightening and provocative of any I have read to date and ask unanimous consent to include them in the body of the RECORD at this point with my commendation of them to the consideration of my colleagues.

The articles follow:

STRIP MINING LEAVES TRAIL OF WANT, RUIN

(By William Greenburg)

LAFOLLETTE, TENN.—Coal, which once promised riches to this East Tennessee mountain area, after decades of strip mining has left shocking poverty, widespread suffering—and ravaged land.

Last fiscal year coal valued at $12.2 million was strip mined from acreage in Campbell, Claiborne, Anderson, Morgan and Scott counties. Strip mined coal from the entire state was valued at $15.5 million.

But tours of these five counties by a reporter-photographer team during the last 12 weeks show the area has been drained of its mineral, financial and human resources.

These people are poor. Their homeland is barren. The coal is being taken from the earth. Gaping scars and frequent landslides remain. Floods are an everpresent fear.

All across the nation strip mining has become an environmental and political debate. Here in Upper East Tennessee it is not a matter for debate; it is a reality.

Here is the legacy strip mining has left this section of Tennessee:

1. Most of the coal lands in these five counties are owned by a handful of giant land companies, many of whose owners and stockholders reside outside Tennessee and some outside the United States. They pay a pittance in land taxes.

2. The multi-million-dollar sales of coal mined from these Tennessee lands bring not a penny of tax revenue to the state of Tennessee or its counties or cities. There is no state tax on mineral wealth in Tennessee.

3. With the exception of Anderson County—where Oak Ridge is located—these counties where coal is strip mined rank among the poorest in the state and the people are hard pressed by poverty-level incomes. Young people are fleeing from the area by the hundreds each year.

4. Millions of dollars worth of equipment used in strip mining coal, that should be taxed as personal property used in business, is not listed in county assessors books.

5. Landslides threaten human life, roads, railways and farmlands, and create major flood hazards.

6. Streams are choked by debris, silt and gigantic boulders, and sometimes are filled with acid causing danger to health and additional flood threats. Also, pollution could spread to other areas in the state with possible danger to water supplies.

7. Laws governing strip mining in Tennessee are weak and inadequate. Laws governing coal mine operating companies—relating to overweight trucks, motor vehicle operation and blasting—are laxly enforced and often completely ignored.

These five counties make up the state's Northeast Coal Field and in 1970 accounted for 77% of the nearly eight million tons of all coal produced in Tennessee.

Strip mining, however, is increasing rapidly. Nine strip mines have opened in Fentress County during the last year and stepped-up activity is taking place in other areas of the state.

Most people have heard of strip mining—but do not know what it is.

Strip mining is a method of extracting coal by carrying away the dirt and rock cover and scooping the mineral out with bulldozers and front end loaders.

Deep mining, the more familiar method of extracting coal, is done by boring tunnels or sinking shafts. Then the coal is dug out and hauled to an opening.

But strip mining is done mostly on the sides of mountains. This is called contour stripping. Strip mining done on flat terrain is called area stripping.

First a road is cut up the mountain after prospecting has determined coal is present. Then explosives blast away and loosen dirt and rock.

Buldozers move in and clear off dirt and rock by pushing it over the side of the mountain. The dirt and rock is called overburden. The overburden deposited on the mountainside is called the spoil bank.

The flat surface that is left after the overburden has been cleared is called the bench. The coal is exposed here and is dug out, creating a pit—thus sometimes the reference, strip pit. The coal is loaded on trucks which haul it to steam plants or tipples at rail heads.

The steep side of the mountain that has been created by clearing away the overburden and that forms a right angle with the bench is called the high wall.

As more coal is dug from the seam that extends into the mountain, more overburden is removed and the high wall is pushed back until the entire portion of the mountain covering the coal seam is sliced off.

Strip mining of coal has increased because it is cheaper to produce this way.

Coal is covered by one million acres of land in these five counties. Nine land companies that deal in coal own 335,000 acres in these counties.

The largest of these companies is the mammoth Coal Creek combine, composed of Coal Creek Mining & Manufacturing Co., the Poplar Creek Coal Co. and the Winters Gap land holdings.

Coal Creek, which has approximately 65,000 acres in Anderson, Campbell and Morgan counties, is owned by 265 stockholders throughout the United States and Canada.

Tennessee Land and Mining Co. owns 60,000 acres in Anderson, Campbell and Scott counties. The company is a partnership with the major interest held by E. L. Spetnagel family of New Preston, Conn.

Another large landowner with the unusual name of The American Association Ltd. is a British company, 90% of whose stockholders reside in London.

This company owns 44,000 acres in Claiborne County, almost all the coal-producing land, and 6,000 acres in Campbell County.

Even the Payne-Baker Estate, with 39,000 acres in Scott County and 1,000 acres in Morgan County is not held primarily by Tennesseans.

The estate is managed by U.S. Sen. Howard H. Baker Jr., whose mother has a one-ninth interest in the property. The rest of the land is owned by the Payne family in Pennsylvania. Mrs. Baker was a Payne.

Koppers Co., the Pittsburgh-based industrial giant, owns 49,000 acres mainly in Campbell County.

Ford, Faust & Cheely, a Tennessee owned and managed company, has 32,000 acres in Morgan County.

Blue Diamond Coal & Mining Co., founded by a Scotsman and with stockholders all over the country, is a land and mining firm with 19,000 acres in Scott County and nearly 1,000 acres in Campbell County.

These companies are assessed at between $30 and $40 an acre in land that produces not only coal but millions of dollars of timber. By comparison farm land in these five counties is assessed at between $100 and $500 an acre.

Besides paying a small property tax these companies return not one penny in revenue to the state of Tennessee on the income they earn from coal. Moreover, they take a depletion allowance on federal corporate income taxes.

"We have nothing in Tennessee of a definite element that taxes minerals in the state," said Freely B. Cook, director of the State Board of Equalization.

Frank Phillips, Scott County tax assessor, said coal properties are assessed at $30 an acre and mineral rights without surface ownership are assessed at $10 an acre.

This lack of tax revenue from companies that hold a major portion of the income-producing land in the five counties has meant some of lowest earnings per person in the entire state.

Anderson County, because of Oak Ridge, has the highest per-person income in the area.

Morgan County ranks seventh from the bottom in the amount of money earned each year by each of its citizens—$982, well below the state average of $2,038 Claiborne is 10th from the bottom, Scott is 15th and Campbell is 20th.

Net out-migration during the period between 1960 and 1970 was 7,063 from Anderson, 4,587 from Campbell, 1,943 from Morgan, 2,790 from Scott and 1,253 from Claiborne.

These counties are poor not only because the land companies do not pay a share of taxes equal to, or higher than farmers, but also because most of the coal companies do not pay taxes on equipment used in strip mining.

Equipment, furniture and machinery used in business is supposed to be taxed as personal property.

An example is Four Leaf Coal Co., listed in Tennessee Department of Conservation records as either based or doing business in Claiborne County. The company is not on the county tax books.

Four Leaf, in the Conservation Records, submitted a financial statement in support of a self-surety bond stating the company owned $11,756 in vehicles and $1,130,560 in mining equipment.

"They (strip miners) go over the state line. They go over the county lines. We can't find them," said Claiborne County Assessor John Greer.

The coal industry is a financial burden on the state and the counties also because of the damage it causes.

The State Highway Department and county highway departments have spent time and money cleaning roads, culverts and streams of debris that has come down from the strip mines.

Last April Anderson County Engineer Gordon E. Colbern said the county had spent

$17,000 cleaning off on one small section of Frost Bottom Road following closing of the Crass strip mine 16 months before.

In Claiborne, State Highway Department crews have been cleaning out since last spring a section of Highway 90 that has been covered by a slide which also altered the course of a stream.

Acid that has run off from deep mines but aggravated by strip mining which has opened some of the old underground areas has ruined the water supply of the tiny hamlet of White Oak in Campbell County. In Clairfield some persons are forced to boil their water and add Clorox to it to make it safe to drink.

In Petros in Morgan County gardens that once grew corn, beans and other vegetables now look like strip mines from the debris carried down the mountain by Crooked Fork Creek.

"We lost 20 bushels of potatoes and four or five bushels of beans," said Mrs. Melvin Massengil of Petros when asked about flood damage. "We lived here 32 years and we never had such heavy floods until two years ago when they started stripping heavy."

"We are afraid to go to sleep when it rains. We just stay up all night," she added.

Byrd W. Duncan Sr. of Graves Gap in the heart of the Anderson County coal-bearing mountains said the blasting is starting to get heavy.

"If they shatter my home, I'm going to get the law," Duncan said. "I want to see if we really have law in this county. The state man was up here the other day and said the laws were not strong enough to control strip mining and that the strip miners were too powerful."

While the strip miners cover roads and fields with debris, they are riding roughshod over the roads with overweight coal trucks. There is no license plate in Tennesee which permits a vehicle to weigh with its load more than 73,280 pounds.

"I've driven one load that weighed 111,000 pounds and many that weighed 90,000 pounds," said Bud Hackler of Hamblintown in Claiborne County.

Cedric Jurgens, a former Marine officer hired as weighman for Scott County, resigned last week after General Sessions Court Judge Merle Waters dismissed 15 cases against overweight trucks after repeatedly putting the cases off—many since May 12.

It has been 220 years since the first written account of coal in Tennessee was made near Cumberland Gap, 19 years before Daniel Boone passed through the area.

"We camped on the banks where we found very good coal," observed Dr. Thomas Walker on April 13, 1750, while leading the Loyal Land Co. expedition.

Writing in 1947, Robert L. Kincaid in "The Wilderness Road" said the coal Walker had "discovered on the banks of Flat Creek would bring riches to the mountains." But today there are no riches—only poverty, suffering and bare, ravaged land.

LANDOWNERS, MINERS ENJOY TAX LOOPHOLES

(By William Greenburg)

TAZEWELL, Tenn.—Coalfield landowners and strip miners enjoy loopholes and lax enforcement which permits them to realize tax benefits other citizens of Tennessee do not have.

"The strip miners and the landowners don't pay their share of the tax burden when you get right down to it," said Campbell County Judge Jack R. Alexander. "The absentee ownership of the land gets me mad and they have been getting away with it for years."

A study of tax records and property ownership by a team of newsmen investigating strip mining in Tennessee disclosed:

1. Coalfield landowners pay minimal property taxes, less even than farmers. Many of these owners are from out of state.

2. Because there is no mineral tax in Tennessee, the state and its counties and cities receive not one penny in tax revenue on income from multimillion dollar sales of coal.

3. The only county that tried to raise a privilege tax on coal mining found that an alliance of mining companies applied pressure on the quarterly court and beat back the tax measure.

4. Strip mine operators, some of them from out of state, pay little or no property taxes on millions of dollars worth of equipment used in their business.

In 1970, the giant British land company, The American Association Ltd., which owns 44,000 acres in the coal production portion of Claiborne County, paid $6,000 in property taxes.

Consolidated Coal Co., one of the world's biggest and a subsidiary of Continental Oil Co., leases 21,000 acres of American Association holdings.

In the fiscal year which ended June 30, 1970, Consolidation produced, according to the Tennessee Department of Labor, 1,257,240 tons of coal. The market value of coal that year was about $4.50 a ton.

The terms of the lease call for a royalty payment of 15 cents a ton to American Association. This would mean that in one year the firm with 90% of its stockholders living in London made $198,586 from just that lease. Moreover, Consolidation pays the property taxes on its lease, which was $65,000 in 1970, $19,000 of which was in buildings and equipment from its deep mines.

The American Association has coal leases, mainly for strip mining, on the rest of its holdings. Although information on the terms of these leases was not available, the royalties from strip mining of coal throughout the state generally are running:

25 to 40 cents a ton.

A percentage of the gross after the sale price rises above $5.

A stipulated annual minimum.

Provisions to pay property taxes.

This past spring the American Association appealed new appraisals levied as the result of a new state law but later dropped the action. In its appeal, the giant land owner stated:

"For many years the property in Claiborne County was assessed at 10% while The American Association was assessed at fair market value. However, the amount of tax dollars was not sufficient to complain."

Although the combined American Association and Consolidation tax was $71,000 dollars, the county tax books had the American Association down for taxes of $18,000 in 1970 on all its holdings before the assessment was changed in the county trustee offices.

In 1962, and in 1960 the American Association paid $14,479 on its Claiborne County holdings, which it acquired during the 1890's.

It is not possible to pinpoint the income of other large landowners as it was the American Association. The American Association is the single dominant company with a big lease in a county, which permitted analysis.

This disparity between landowner income and tax, however, is obvious. This same situation applies to all other holdings in the northeast coal fields of Claiborne, Campbell, Anderson, Morgan, and Scott counties, among the poorest in the state.

Tennessee Land and Mining Co., controlled by a Connecticut family, owns 60,000 acres in Anderson, Scott, and Campbell counties.

In Anderson County, the company owns 21,324 acres valued at $687,480. The assessment in 1970 was $240,618. With a rate of $4.95, the taxes were $12,107.

E. L. Spetnagel, managing partner of Tennessee Land and Mining from New Preston, Conn., said royalties are a "piddling amount" of the cost of coal.

The Mammoth Coal Creek land combine owns approximately 65,000 acres in Campbell, Anderson, and Morgan counties. On 34,041 acres of land in Anderson County, Coal Creek was appraised at $1,294,170 and assessed at $442,959. Taxes were $21,926.

Warren Haydon, secretary-treasurer and general manager of Coal Creek said his company earns half its income from coal.

Koppers Co., the Pittsburgh industrial giant, owns 49,000 acres, all but a few hundred in Campbell County. In 1962, Koppers sold the coal rights to the Tennessee Valley Authority for nearly $700,000. TVA makes a payment in lieu of taxes to the state. Nothing goes to the county.

The Payne-Baker estate, managed by Sen. Howard Baker Jr., holds all but 1,000 of its 40,000 acres in Scott County. In 1970, the land company paid $18,941 in Scott County on an assessment of $324,315.

Blue Diamond Coal and Mining Co., with stockholders all over the country, has 19,000 of its 20,000 acres in Scott County. It was assessed at $173,165 and paid $12,989 in taxes in 1970.

Ford, Faust, and Cheely, a Tennessee company managed by former University of Tennessee football player Hugh Faust, owns 32,048 acres in Morgan County, appraised at $1,144,550. On a sampling of four tracts totaling 1,815 acres, the assessment was $18,681 and the taxes were $761.

Campbell County had valued The Tennessee Land and Mining holdings at $785,870 and the Lindsay Land Co.'s 3,358 acres at $230,000 to reflect the value of the coal in the ground.

But on the appraisal cards for these firms in the Campbell County Courthouse, the values are crossed out. The Tennessee Land and Mining card reads $449,000 and the Lindsay Land card reads $112,650.

Campbell County Tax Assessor J. P. Ayers said these cases were appealed before he took office. He said the State Board of Equalization changed the appraisals.

In only one county, Sequatchie, which lies in the state's Southeast Coal Field, was the tax assessor, Ivan Condra, partially successful in increasing the value of land to reflect the coal in the ground.

Condra said the contract the state had with the appraisal company did not provide for valuation of mineral wealth. He said this became a problem because land companies challenged him by protesting that he was trying to change figures of expert appraisal firms.

Condra said that in the fall of 1969 he notified the state division of property assessment, and armed with the U.S. Bureau of Mines studies, increased the value of the coal land by approximately $300 an acre.

Condra said the two companies, Tennessee Consolidated Coal Co., and U.S. Steel Corp., appealed to the State Board of Equalization and the appraisal was dropped to an increase of $180 an acre.

Condra added, however, that he has not been able to tax the coal that is strip mined because it is not listed in any county studies by the U.S. Bureau of Mines.

He explained that the strip miners just move along with their drills and where they find coal, they start stripping.

"We must assess a year in advance and we have no way of knowing that coal is present if not included in available studies," Condra said. "When the strippers come in you know that it is there and all you can do is sit and watch the trucks roll by, loaded with coal."

Scott County attempted to raise a tax of another type to reflect income from coal production—a severance tax.

The severance tax will be the center of increasing debate in the state. It is not a property tax, but a privilege tax on the business of extracting minerals from the earth.

The Scott County Quarterly Court requested a severance tax and a private act was passed by the last session of the legislature, only to be rejected by the court in July, just before a special election.

Lawrence Walker, one of three magistrates re-elected, said he voted against the tax because timber was deleted and he thinks the county is taxed enough. He added that the new mine safety law will make coal production more expensive and that something is in store for strip mining that will increase the cost of doing business. He declined to elaborate.

Charles Todd said he rejected the measure because timber was left out.

Paul Phillips, chairman pro tem of the court at the time of the vote on the severance tax, said it was rejected because there was still a question of its legality, timber was left out, and a portion of the funds would go to the road department, instead of all going to the general fund as requested.

"Most people conceded it was a fair thing as far as the county was concerned," Phillips said. "There was a lot of pressure put on by the coal companies. A lot of them have contracts with TVA and they would have to jack up their bids. This would put them in a bad competitive position with operators in Kentucky and other counties.

"This did not set well with the strippers.

"We need a general state law. A guy strips in Scott County for 30 days and goes to another county. It's awfully hard to collect the tax."

Rep. William Blakley, R-Scott County, who introduced the private act for the severance tax said the measure was not changed in any way in Nashville. He added that he thinks the measure failed because of pressure applied to the quarterly court by coal companies.

Blakley said the severance tax from coal and oil would have brought the county $250,000 a year.

Strip mine operators also are enjoying a tax windfall by not paying property taxes on the equipment they use in business.

Bear Creek, C&A, Dixie Pine, Four Leaf and Tackett Creek coal companies are listed in State Conservation Department records as either based or doing business in Claiborne County. Only one of the firms, Dixie Pine, pays personal property taxes and that is in Campbell County.

Another firm, Clairfield Equipment Co., which services strip mining equipment and is the seat of the Arnold mining interests, is in Claiborne County but not listed on the tax rolls.

When asked about this, Edward Dooley, Middlesboro, Ky., accountant who handles the Arnold interests, replied:

"First of all, why should Clairfield Equipment be listed in Clairborne County. To the best of my knowledge it is listed as real property in Campbell County under the name of Mr. U. R. Arnold."

Ulysses Arnold is a pioneer in strip mining of coal. Like many others he governs a large mining combine under a host of names and leases.

The failure to collect property taxes on this equipment adds up to a sizeable loss to the counties.

For example, Warren Lawrence of Thompson & Green Co., Inc., Middle Tennessee distributor for Caterpillar, said the huge D9G bulldozer used in strip mining sells for $106,985. He said the 10-cubic-yard capacity 992 front-end loader is priced at $145,747 and the six-cubic-yard 998 frontend loader sells for $86,422.

In Scott County, only one company listed in official conservation department records is on the tax books for personal property.

Overton Brothers was listed as having equipment worth $36,000 and assessed at $7,200. Taxes were $630.

But even here the corporate structure of the strip miners is not clear.

U.S. Department of Labor mining production records lists Overton Brothers, Overton Coal Co., and Arlie Overton Coal Co., stripping a total of 33,200 tons for the year which ended June 30, 1970.

Frank Phillips, Scott County tax assessor, said he thought Pee Wee Mining Co., listed in the conservation department records as being in his county, was on the tax books in either Campbell or Anderson counties.

Pee Wee Mining was on the Campbell County books with a line through it and a notation that it had gone out of business.

Roger West, listed as principal officer by the conservation department, said:

"The Pee Wee Mining Co. is really not active now. Our company is West Coal Co. We have one job called the Pee Wee Mine. West Coal is a Tennessee corporation domesticated in Kentucky. We were on the McCreary County (Kentucky) books because we stripped in Kentucky before we came to strip in Tennessee. We don't pay personal property taxes now in Kentucky and if we are not paying them in Tennessee we will be.

"I can't see why it's the Nashville Tennessean's business to ask about our personal property taxes."

The State Department of Conservation lists Daugherty Coal Co., Paint Rock Coal Co., Burress Coal Co., and Weslyan Coal Co., as either based or doing business in Scott County.

When asked about these firms, Scott County Tax Assessor Frank Phillips said Daugherty was not on the tax books and he did not know anything about Paint Rock.

Asked about Burres Coal Co., he replied:

"I never heard of them."

He said he never heard of Weslyan Coal Co., either.

In Anderson County, none of the strip mine companies listed by the conservation department are on the county books, and in Morgan County only two, Fred Walt and G&F are on the books, at a fraction of the cost of the equipment.

Hugh Faust, manager of the 32,000-acre Ford, Faust & Cheely land company and a partner in G&F said of the personal property tax:

"They (the tax office) send us the bill and we pay it."

Only Campbell County has been successful in taxing strip miners for personal property.

"We only list coal companies if they have equipment in the county," said assistant assessor Tony Kitts. "The companies won't tell us their addresses. We get a list from the bureau of mines in Knoxville."

Besides not paying personal property taxes, a number of the strippers are from out of state like the landowners, and never return a penny of revenue to Tennessee.

Capital Coal Co. of Frankfort, Ky., is listed by the labor department as stripping 100,000 tons in Claiborne County in fiscal year 1970. This company is not on the county tax books, nor is it listed anywhere in the strip mining permit records of the department of conservation.

E. L. Spetnagel, of New Preston, Conn., and managing partner of the 60,000-acre Tennessee Land and Mining Co., said most of the income from strip mining goes not to the landowner, who might be from out of state, but to the operators who are local.

One of the largest acreage permits for strip mining in the state has been issued for Tennessee Land and Mining Co. property in Anderson County. The permits are for 286 acres and they are for the Cumberland Coal Corp. with an Oak Ridge post office box.

But Cumberland Coal Corp. appears to be merely a front for The Harbert Construction Corp. of Birmingham.

On a power of attorney from the U.S. Fidelity and Guaranty Co. in Baltimore for Cumberland Coal., a number of people are listed from Birmingham, who turned out mostly to be members of the McGriff & Seibels Insurance Co.

Lee McGriff said the member of his firm who handled the Cumberland account was at Harbert Construction Corp. and that they could tell more about it because Harbert owns Cumberland.

John Harbert III would say only that when he feels somebody has potential he will back him.

In the Clinton, Tenn. office of the Tennessee Land & Mining Co., a map on the wall reads:

"The Harbert Lease."

But not all the stripping and landowning is from out of state. Some of it is very close to home.

"Don't go after just the little guy," said Dudley Freels, Morgan County tax assessor. "I was raised back on Mill Creek and they are stripping back there on land owned by the University of Tennessee."

"The Jackson Mining Co. has been stripping up there and they have never fixed that land," Freels said.

Jackson Mining Co., is not listed on the Morgan County books for personal property.

Jackson Mining has a 32-week TVA contract for 64,000 tons of coal for $522,240.

STRIPPING MARS FACE OF NATURE

(By William Greenburg)

NORMA, Tenn.—"It looks like the whole mountain is sliding in," said Mrs. Kathleen Pennington.

"It's just a huge pile of mud, slate, trees, and dirt. It's sort of scary," added Mrs. Pennington, a school teacher at Norma Elementary School about a quarter of a mile from a giant landslide, triggered by strip mining.

"It's dangerous and it should be fixed," said she of the slide in the southwest portion of Scott County.

This giant landslide on the slopes of a mountain near here is a powerful symbol of what strip mining is doing to Tennessee's environment.

It also points up in dramatic fashion how inadequate state laws and state agencies are in dealing with strip miners who are devastating some of the most scenic mountains in Tennessee.

The landslide was triggered in June 1970 by Sandlin & Whalen strip mining company of Florence, Ky., on a slope that had been unstable for years.

The slide, carrying thousands of tons of dirt and rock crashed down the mountain side tearing a gaping hole in the property of Green Day, who owns the slope of the mountain but not the area above it where the stripping was done.

The slide which completely blocked a county road, piling dirt up higher than an automobile and spilling over onto the rail road tracks, has already cost Scott County $725.

Arthur Waters, county road superintendent, said Sandlin & Whalen are now keeping the road below the slide clear. He said another landslide, which was not from stripping and not nearly as bad as the one at Norma, cost the county $7,500 to fix.

This situation, just one example of how strip mining of coal, which has skyrocketed in the last year, is also:

Tearing open the sides of East Tennessee's mountains, ruining timber in the process and leaving much of the damage in a condition that can never be repaired.

Choking streams with silt, causing flooding during the slightest rainfall.

Aggravating acid runoff into the state's waterways, causing pollution and possible danger to water supplies.

The effects of the environmental damage of the Norma landslide are being prolonged by the fact that Dallas Sandlin said the owner of the land on the slope will not let his company repair the damage. Sandlin said he offered to buy the land for $500 but the owner was asking $2,500. Mit Day, who manages the land for his father, said Sandlin & Whalen can repair the slide, whether they do or do not buy the land.

Meanwhile, Scott County has bogged down in trying to initiate condemnation proceedings—a process which would allow the county to take over the property.

Scott County, however, is not the only government body that has had trouble with Sandlin & Whalen. The company has caused trouble for the state for a year—trouble the State of Tennessee is apparently incapable of handling.

Chase Delony, director of the strip mining and reclamation division of the State Department of Conservation, wrote Sandlin & Whalen in November 1970 informing the company it was stripping without a permit.

On Jan. 15, 1971, Delony wrote the company and told them the situation had been "neglected too long" and the case was going to be turned over to the attorney general.

Sandlin & Whalen then satisfied application requirements and was granted a permit.

On March 29, the company mailed a check with a request to strip additional acreage for which they were granted a permit on April 19.

In early June, the vast Normal landslide occurred.

On June 22, Delony's division acknowledged receipt of a cash bond for still more acreage Sandlin & Whalen wanted to strip.

On July 2, Delony wrote the company that its check of March 29 was returned marked insufficient funds, that a surety bond had to be filed and that his office was aware of the landslide.

"We regret the threat of court action and the injunctive process, but the conduct of your business in Tennessee leaves us no alternative," Delony said in his letter to Sandlin & Whalen.

Sandlin & Whalen covered the check, sent in the bond, and in July were granted a permit to strip 15 more acres.

On Aug. 20, Delony wrote the company again:

"To lessen the adverse environmental impact of your mining operations at site No. 1 near Norma (the land slide) you are urged to conclude without delay all grading required by Tennessee strip mine law."

Grading is a process which is supposed to leave the strip mine area looking like a plowed field so the possibility of land slides is minimized and grass and trees are permitted to grow.

Moreover, The Tennessee strip mine law, whether applied at the Norma site or other areas, is mainly ignored. It is also apparent the Conservation Department does not vigorously enforce the law.

Out of the turmoil and embarrassment of the Norma landslide, one seemingly insignificant fact emerges.

The slope on which the strip mining was done measures 40 degrees.

This technical reference is the key to the environmental damage being done in Tennessee by strip mining.

A vertical drop, or straight up and down, is 90 degrees. Flat land is zero degrees. The steeper the slope, the more difficult it is to hold in place the thousands of tons of dirt and rock, the strip miners throw over the side of the mountain to uncover the coal.

There is nothing in Tennessee strip mine law limiting the slope on which strip mining may be done.

Edward T. Luther, of the state division of geology and author of a number of books on the coal industry in Tennessee said most all the mountains in the coalfield have 35 degree slopes.

The Tennessee Valley Authority, the state's biggest coal buyer, will not permit strip mining under its contracts on slopes that are greater than 28 degrees.

Even this slope limit, however, appears to be too great to hold the strip mine spoil banks in place.

On TVA's special contract, the Long Pit Mining Co. operation in Campbell County, there are already at least four landslides. This contract is called "cost plus" and calls for spending as much as needed for the ultimate reclamation and then adding a fixed profit for the strip mining company.

"I don't see how you can stock pile all that overburden even on a gentle slope and not have it wash off when heavy rains come," said Wayne McCoy, engineer with the Tennessee Water Quality Board. "They are stripping up in East Tennessee on slopes so straight they are just up and down. You can't stop the runoff. Those mountains will come down."

McCoy said not enough is known about damage from strip mining to larger water sheds and that a strip mining expert is needed on the water quality staff.

"One thing I can say is that two of the three Okee Reservoirs in Southeast Tennessee are filled with silt from Copper Hill runoff," McCoy said.

Silt is the major source of stream damage from strip mining but acid runoff, usually attributed to deep mines also comes from strip pits.

On TVA's Big Ollis Creek job by the Spradlin Coal Co., just above the LaFollette reservoir in Campbell County, getting grass to grow has not been very successful.

Arthur Wardner, TVA forecaster, explained that the Jellico coal seam which is very acid and very difficult to support growth.

"We have planted here three times and nothing has taken hold," Wardner said. "We have limed the heck out of this area and we can't get anything to grow."

Wardner said the acid condition of the area was known before the stripping began.

Strip miners and landowners contend that if the soil is acid, it must be left alone for one or two years to leech out. The opposing argument is what is to be done to keep the earth in place during that period of time.

LaFollette City officials protested in the spring of 1970 that the Ollis Creek stripping was a danger to the city's water supply. After the State Health Department was called in, TVA spent thousands of dollars building special dams to catch the runoff from the Ollis Creek strip mine.

In the spring of 1970, the State Game and Fish Commission was asked to investigate the effects of strip mining on the bluffs above the Obed River in Morgan County.

Dan Sherry, commission biologist, said the water coming off the strip was "highly acid."

"In 1967 it was estimated that 235 miles of streams were ruined by coal mining both deep and strip, in Tennessee," Sherry said. "This has to be very conservative because it has been estimated that in the Obed River Basin alone, 225 miles of waterways have been ruined for coal mining."

"The New River has been wiped out," Sherry added. "This is a very important scenic river in Tennessee. These streams in this area are some of the most beautiful in the country."

The most famous report on strip mine damage to streams is the 11-year Beaver Creek study in Kentucky by federal and state agencies and the University of Kentucky.

"Strip mining of coal in the Beaver Creek Basin in south central Kentucky has significantly increased the acidity and mineralization of surface and ground water and increased the sediment control of the stream in the mined areas. These effects in turn have reduced or eliminated the aquatic life in the stream," the report said.

The report, based on a study done between 1955 and 1966, said growth of the southwest spoil bank in the Cane Branch area had changed little since 1959.

"Growth is nonexistent on 95% of the spoiled area," the report said.

A U.S. Bureau of Mines official said a great deal is known about reclamation on flat land, but the surface has not even been scratched when it comes to stripping on steep slopes.

Warren Haydon, secretary treasurer and general manager of the giant Coal Creek land combine, said he is very concerned about the pollution of streams from the strip mines.

Hugh Faust, who manages the 32,000 acre Ford, Faust, and Cheely holdings in Morgan County, and a strip miner himself, when asked about his reaction to what is happening in East Tennessee from stripping, replied: "I cringe."

PROPERTY OWNERS SUFFER: RAMPAGING FLOODS LAID TO STRIP MINING DEBRIS

(By William Greenburg)

PETROS, TENN.—A flood triggered by strip mining turned Ralph Massengil's garden into a barren patch of land, leaving one sow dead, and an acre and three quarters ruined.

Massengil, who lives on Crooked Fork Creek, in this East Tennessee mountain community, also lost feed, two hog houses, and 1,000 feet of lumber in the flood.

Crooked Fork Creek has been filled with silt and debris from strip mining, and last December when a heavy rain hit, Massengil's yard was destroyed.

Massengil is only one of the many victims in a five-county area in East Tennessee who have had their property destroyed or damaged by strip mining operations.

The Tennessee strip mine law states that unregulated strip mining causes, among other things, impairment of the owners' rights on neighboring property and in general creates conditions adverse to life, and property.

Four years after the law was passed to correct these conditions, damage and danger to neighboring property is as present as ever.

A 12-week investigation by a reporter-photographer team found:

1. Homes with foundations cracked and frames coming apart from strip mining explosions.

2. Yards filled with boulders implanted in the ground after being blasted loose by strip miners.

3. Yards that once grew vegetables and supported livestock, looking like the spoil banks of strip mines.

4. Threats and the fear of retaliation from strip miners and landowners.

A mountaineer standing in front of his home which was coming apart from explosions set off in a nearby strip mine said that explosives were put in 93 holes, 38 feet deep, and four inches wide.

"That's at least four tons of explosives," he said. "Then they set off 30 more holes. After that we told them there was a law and they stopped blasting so heavy."

This mountaineer, who confronted the strip miner, cannot be identified. He says his family has been threatened by associates of the operator.

The roof of his house is separating at the peak and an entire add-on section of his home is coming loose from the original structure.

His yard is strewn with boulders, some as big as basketballs, that strip mine blasting had sent sailing over the hill.

Junior Koontz, Petros postmaster, lives on Hobbs Hill above the community. His home is about two miles from a strip mine and now, after blasting, his foundation is cracked.

"They jarred the food off my plate," Koontz said. "I wrote Atty. Gen. Arzo Carson (of Scott and Morgan counties)," Koontz said. "I asked him if the law could stop the blasting."

Koontz said that he heard from Carson two months after he wrote. He said Carson wrote him a letter saying he would be contacted, but nothing ever happened.

James Bunch, principal of the Petros Elementary School, said his home sustained damage from heavy blasting when the strip miners came around the mountain for the second time last January.

He showed cracks in the permastone and reinforced concrete blocks on his house. He said he settled with the insurance company

and was reluctant to talk more about the damage.

Most people in Petros are now frightened that the land above the state's maximum security Brushy Mountain Prison will be sold to strippers. State Corrections Commissioner Mark Lutrell has announced plans to sell the land to raise money for prison reform.

The creek that runs through Petros already floods from strip mining and the people are afraid that the town would be totally inundated from stripping above the prison.

Melvin Massengil said his son's entire yard was wiped out from flooding of Crooked Fork Creek.

Young Messengil's yard was covered with mud, coal, and red dog slate used in building strip mine access roads.

In Hammond Hollow, one mile below a strip pit, Roy Liles said the county had to pay a contractor to clean out a little creek that runs by his home.

His garden is now useless, growing only weeds out of the silt and coal that once was a corn patch.

"This happened two years ago," said Ralph Liles, his brother's neighbor. "The strip miner went broke and there was no more stripping. The first time the stuff came down the mountain we had to dig and truck it out ourselves."

The brother built a wall to keep the little creek in check and now they are afraid of more damage as stripping has started once again above the abandoned pit.

J. W. Bradley, Roy Liles' brother-in-law, who has been battling the strip miners for years, said he asked the operator, Eddie Walls, if he would build silt dams to stop the runoff and said Walls told him he would not do any thing the law does not require.

The 1967 Tennessee strip mine law states that a mining and reclamation plan shall provide for:

"Drainage and water control for all the affected areas so as to prevent soil erosion, damage to adjacent lands, or pollution of streams and other waters, both during and following the mining operations."

The regulations under this law state:

"Wherever necessary, as determined by the commissioner, check dams and silt basins shall be constructed in drainways so as to minimize the amount of sediment flowing into active streams or other bodies of water."

Mrs. Hattie Simpson, 81, who lives across the road from the Liles, in the same house since 1915, had to be carried from her home because of strip mine-triggered flooding.

A mountaineer in another county, who owns an acre sandwiched between giant landowners, said:

"I live about 600 yards from a strip mine. Since this stripping, it doesn't take much rain to cover the road here. They first started stripping 10 years ago, and when we thought it was all over these fellers came again. They kept coming around the mountain and there's plenty of slides that have been started, but they haven't reached us yet.

"I figure we will just get pushed out of here and we will try to go where there is no stripping," said the man who said he has lived there for 65 years.

One woman said her husband was almost killed by a rock from a strip mine blast and only a tree saved his life.

"You can see the strip mine in the winter when the leaves are not on the trees," she said. "When it rains those ponds back up there break loose and the big rocks and boulders get into the branch and then we can't get water."

Darrell Langley is a long distance trucker from Wartsburg, the Morgan County seat. When he came home from one of his trips he found strip mine overburden covering part of a piece of property he owns.

Langley's land holding is modest—a six-acre piece of real estate off Highway 27, six miles south of Wartsburg. He said he and a friend were going to develop the plot for some low-cost home sites.

"Look at it now," Langley said, standing on the spoil bank. "Who would want to live here. They are never going to stop that mud from running onto my land even if the spoil bank stopped at my property line."

Langley said the strippers first came in three years ago and were warned in writing by his attorney. He said they got off his land after doing slight damage. He said they never fixed the damage.

"Six months ago I came home one day and found the spoil over my land." Langley said. "I immediately had it surveyed and markers were placed. My attorney went to see the strippers while they were on the job and they promised to stay off my land. They would not negotiate for damages.

"Then they came back on my land and pushed over my survey stakes."

Langley has now brought his case against the strippers, Calvin Campbell and Willard Lane, to the courts.

But perhaps the most telling case of property damage from strip mining of coal that concerns Tennessee, happened in Kentucky. This is the now well-known Vols Coal case.

In July, The Louisville Courier Journal ran a front page story that Vols Coal Co. of Clairfield, Tenn., after two stormy years of strip mining in Kentucky, had been forced to leave the state.

To anyone familiar with strip mining in Tennessee, Vols Coal did not ring a bell, nor did it appear on any Tennessee records.

Vols Coal is part of the Arnold coal mining interests headed by Ulysses R. Arnold of Lafollette. The mining group is headquartered at the Clairfield Equipment Co., and operates, like most strip miners, under a host of names and leases. One of those names was Vols, which was in Kentucky. At least one Arnold company, Dixie Pine, is stripping in Tennessee.

"No comment. Absolutely no comment," Arnold said when asked about Vols.

William Hayes, Hazard, Ky., area supervisor for the Kentucky division of strip mine reclamation, said there were at least 15 instances of non-compliance with the law against Vols over the two-year period."

"The worst infractions were overblasting and blowing material off the permit area," Hayes said.

Phil Fox of the reclamation division said:

"Vols just would not comply. They were before the reclamation board three or four times."

"We were going to revoke their permit. If they get three revokes they cannot work in the state. They decided to dissolve the company," he said.

Byrd W. Duncan Sr. sat on his porch in the heart of the Anderson County coal mountains and voiced concern about the heavy blasting.

"If they harm my home with their blasting, I'm going to get the law," he said. "I want to see if we have law in the county."

STATE WEAK IN MINING SUPERVISION

(By William Greenburg)

A mountaineer who drives a bulldozer for a Tennessee strip mining company said the last time he saw a state inspector was a year ago.

"And that's while I was working in Kentucky," he said.

His observation sums up the condition of the division of strip mining and reclamation of the Tennessee Department of Conservation.

A 12-week investigation of strip mining of coal in Tennessee by a reporter-photographer team has disclosed that the state agency, charged with controlling strip mining and enforcing reclamation, is ineffective.

The strip mining and reclamation division has five men, including its director, and a $65,000 budget to oversee strip mining of all minerals, not just coal, for the entire state.

The Conservation Department's Information and Tourist Promotion Division (public relations) operates on a $1 million budget.

The strip mining and reclamation office is forced to get by on very little despite the fact the untaxed multi-million-dollar coal stripping business causes untold millions of dollars in damage each year—much of which can never be repaired.

There is a danger that unless the division can be beefed up by toughter statutes and manpower, the strip mining damage will never be checked, and the strip miners, after making their money, will leave rather than reclaim the land.

Many operators have already demonstrated they have no intention of reclaiming the land by going out of business and reappearing as another company that the state is powerless to hold responsible for previous damage.

"Thacker Coal Co. will not be in business for more than one or two years at the most. You can print that," said Junior Thacker, one of the biggest operators in the state.

To underscore the problem of not being able to do anything about companies that strip mine and then go out of existence, the Tennessee Valley Authority said this week it has signed a special reclamation agreement.

TVA said in its weekly newsletter it has signed an agreement with Tennco, Inc., to reclaim an abandoned mine. The newsletter said Tennco and TVA will share the cost of reclamation required by the state and that TVA will pay for the additional costs of its stricter requirements.

TVA said the mining was conducted under an early contract which did not include TVA reclamation, even though the actual operations took place after 1967 while the state law was in effect. The mine closed in 1969, the newsletter said.

The area involved is 245 acres on Cross Mountain near Briceville in Anderson County.

What TVA did not say in its newsletter is that Tennco no longer exists and that when it did exist it never owned any land.

Tennco was a big strip minng company that was hit by a strike. The owners quickly reorganized and started operations again as Premium Coal Co., which has a $789,460 contract with TVA.

A spokesman for TVA said the agreement was made with Robert Swisher of Lake City, Tenn., who heads Premium and was a vice president of Tennco. Also, the spokesman said, the mine straddles the property of two major companies. Most of the mine is on Tennessee Land and Mining Co. property and the rest is on land belonging to Coal Creek Mining and Manufacturing Co., two absentee giants.

The agreement between TVA and Swisher means the abandoned mine has been untouched for two years, even though it was subject to the state strip mine law, which does require reclamation.

The law, though, is not specific, and only suggests that reclamation be concurrent with mining operations.

The vague language of the law makes it possible for a strip miner to put off reclamation for three years—and by that time he may be gone and forgotten. The only reminder is the devastation left behind that has to be repaired out of the taxpayer's purse.

A study of a number of folders in the reclamation division annual reports showed that only eight of 75 strip mine companies were released from their reclamation bonds.

All the records showed that the strip miners get back that portion of their bonds that cover the grading of the worked-out strip mine. This means the operators have put the strip mine ground into a condition that resembles a plowed field suitable for planting.

Summer-long investigation of many strip mines revealed very little grading done.

"Most all these operations forfeit that part of the permit bond that pertains to reclamation and planting," said Chase Delony, reclamation division director.

Delony said he is in favor of increasing the bond from $50 an acre to $100. He said there is no penalty other than forfeiture of bond.

The director said companies that forfeit bond will have a hard time coming back to strip in Tennessee. But this does not seem to mean anything since the strip miners come back under different names.

Attempts during the last legislature to improve the position of the reclamation division by giving it more power demonstrate how the Department of Conservation really views its role as guardian of the state's land and waterways.

Conservation Commissioner William Jenkins said at legislative hearings his department would study all bills pending on strip mining reform. He said the administration's measure was not all it could be and that careful consideration would be given in the "days and weeks ahead."

Less than a week after his testimony, a very weak administration bill was introduced by Rep. Jack Bowman, R–Harriman, who subsequently killed the measure when it was strengthened by amendment.

The need for more strength in the law and for forceful enforcement is demonstrated by the condition of the C&A strip mine, recently completed above Buffalo Hollow in Claiborne County. There is no evidence of even an attempt at reclamation by the Middlesboro, Ky.-based company.

A fissure on the bench of the mine looks as though it were caused by an earthquake. This fissure increased in size during the summer as a part of the mountain started to slip away.

A review in the reclamation division office of the permit folder of S&A Coal Co., showed no reclamation inspection report. As usual, however, the company's reclamation plan stated that reclamation would be concurrent with mining operations.

This means the strip mine of C&A Coal Co. was never inspected by the State of Tennessee.

Delony said it is not safe in the area for his division.

"It's rough up there. Some of those boys don't like us around. I almost got it in that area (Claiborne County)," Delony said.

Besides concealing their identities from state authorities by constantly changing names, and using names and addresses of relatives and friends on the permit applications, strip miners keep their identity from the public.

Unless a person knows something about his location in an area in relation to a topographic map, and then is willing to come to Nashville to look at the records, he will never know who is strip mining at the site of an operation.

This is true even though the state law plainly states the operator must post a visible sign at the entrance to his stripping operation with his name and permit number clearly written.

Asked where the signs are, Delony replied: "This is another one of our frustrations."

Delony said his division should be inspecting small operations once a month and big jobs more often.

Permit record folders in the division office, covering activities of more than one year, show at most four inspection reports. Almost all such reports show that everything on the strip mine is running smoothly according to the reclamation schedule.

When prodding of the miner is required the division merely slaps his hands.

"When there is no interference with current mining operations you are urged to grade and plant promptly in a move to help improve the image of the strip mine industry," Delony wrote Four Leaf Coal Co.

In a letter to all strip mine operators in the state dated June 30, 1971, Delony told the operators of citizen concern about strip mining and a resentment that is being "fanned by the press."

He said the ground swell of sentiment is partially justified by the wanton disregard of surroundings by some operators. He continued:

". . . Too many surface coal mine operators choose to ignore a basic obligation owed future generations when the conduct of the mine programs do not include plans for minimizing the adverse effects on the environment."

Delony promised in the letter that for those who continue to violate the law his division will to the best of its ability attempt to stop them from doing business in Tennessee.

The director has said repeatedly he wants his division given more power.

"We would like to have the authority for an inspector to give a warning to an operator and then return a week later and if the violation persists, close them down," Delony said.

Delony has submitted to the attorney general an outline for strengthening the strip mine law. Recommendations include:

The power to deny a permit before stripping begins if the area is found unsuitable for environmental reasons.

Increasing the bond a strip miner must put up.

Requiring that state reclamation provisions parallel the stricter provisions of TVA.

Delony said he would also like to have authority to withdraw a permit temporarily or permanently even if the strip miner is operating in good faith, if environmental damage arises.

While the director would like to upgrade his division's ability to supervise strip mining in the state, the real picture is told best by the stripping industry.

Dexter Rains, a former strip miner, now general manager of Tennessee Land & Mining Co. and a leading spokesman for the industry, said the Department of Conservation is doing a good job and has the right attitude.

Rains said Commissioner Jenkins is approaching the strip mining issue with an open mind.

[From the Nashville Tennessean, Sept. 18, 1971]

BIG COAL FIRMS BRANCHING OUT INTO TIMBER

(By William Greenburg)

MIDDLESBORO, KY.—The giant coal landowner, The American Association Ltd., will not permit residents on its land to cut trees to repair their homes and fences.

The people in the Claiborne County coal area are bitter because they cannot fell trees on land that was once theirs, while strip miners come with their bulldozers and destroy trees.

"We don't allow tree cutting," said Al Funk Jr., general manager for The American Association, British company that holds 50,000 acres in Claiborne and Campbell counties.

"We are in the forestry business. You can't turn people loose to cut timber like that."

Funk said The American Association cuts 3½ million feet of timber a year and has a program to grow 4 to 6 million feet annually. He added that the company is hoping to increase its cutting to 6 million feet a year.

Giant coal landowners are becoming more aware of environmental damage, but only as it relates to the income-producing ability of their properties.

The huge tracts of land in the East Tennessee mountains, where coal is strip-mined, are also producers of valuable timber. One landowner said his company was even thinking about long-range real estate development.

"As a landowner I don't like poor stripping and no reclamation," Funk said. "We have provisions in our leases that the operator has five years to do reclamation."

Funk said he does not agree with the opinion that reclamation must be done while the actual stripping operation is in progress.

"Grading should be done in a reasonable time only to prevent slides and erosion," said Funk who manages a company owned by the London Foreign & Colonial Securities, Ltd.

Funk said planting should wait three to five years. He said land can be held in place just as much with grading as by sowing grasses.

"The problem has been that people have been in too much of a hurry to reclaim. Companies have been forced to spend money that is totally wasted. I was on a strip job where pine trees that were planted were being covered up because bigger equipment was moving in to strip again."

"I would like to see," he added, "prevention of erosion done better, particularly water runoff."

The American Association is the dominant force in Claiborne County, where it owns 44,000 acres in the coal field, a great deal of the town of Cumberland Gap, and the Holiday Inn on U.S. Highway 25E on the Tennessee side of the Tennessee, Virginia, Kentucky lines.

The company was founded by a Canadian engineer, Alexander A. Arthur, who gained financing interests from London to purchase the land in the last decade of the 19th century.

One mountaineer said that the American Association Representatives came to see his parents.

"The American Association said the land was worthless and that they would give my daddy a dollar an acre and we could live on the land and pay rent and they would pay the taxes," the mountaineer said.

"We didn't know it but we were standing barely four feet from a seam of coal when the American Association was talking to us," he added.

Now that all the land has been acquired, The American Association does not want the sons and daughters of the people they bought the land from.

The people in one tiny community, Fonde, Ky., on the state line, had to get a federal grant for a pump for the town water supply. The American Association owns the town.

The people pay about $20 a month rent and The American Association will not make any repairs or improvements that are required of landlords to do.

"We have no desire to be in the housing business," Funk said. "If we didn't have a single house on the property except for our employes we would be happy."

"The people would be better off and we would be better off if they all would be off our land," Funk said.

In the earlier leases between residents and the American Association, the people were required to fight forest fires for the company.

Warren Haydon, secretary-treasurer and general manager of the big Coal Creek land combine, said his company, owned by stockholders throughout the country and Canada, is starting timber management.

"We have good timber and we leased it out. These companies took our best timber and didn't bother about conservation," Haydon said.

"We were very short sighted. We are now starting a timber management program," Haydon said.

Hugh Faust, who manages the 32,000-acre Ford, Faust, and Cheely estate in Morgan County, said he is getting out of stripping and going strictly into timber.

Faust said his land was one of the first areas to be studied for timber management by the TVA.

"I want my land to be what it was originally," Faust said. "But, without stripping

we would have had a devil of a time holding our heads above water."

Faust said that on areas where slides occur it is more difficult for trees to take hold.

"I'm replanting about 20% of the trees in the slide areas," he said.

The TVA study of his land indicated that between 1974 and 1984 the Faust holdings should yield an annual timber harvest of 5 million board feet and an annual net return of $65,000.

[From the Nashville Tennessean, Sept. 19, 1971]

SOME BLAME TVA—STRIP MINED POOR LOOK FOR VILLAIN

(By William Greenburg)

LA FOLLETTE, TENN.—When residents of this five-county area where the strip mining of coal ravages the land and impoverishes ordinary people looking for "the villain" responsible for their plight, they search in several directions.

They point their finger in the direction of the absentee landlords who own most of the land and reap huge profits which they take out of state, and sometimes out of the nation.

They point their fingers at the strip mine operators who lease the land and rip it open to steal its mineral wealth—then leave the gaping wounds to threaten the environment.

And they point to the federal agency which is the largest single coal purchaser in the area—the Tennessee Valley Authority.

It may sound strange to some to hear that the TVA is considered "the villain" anywhere in Tennessee. After all, the TVA has long been considered a boon and a provider of a healthy economy that helped all the people of the state.

TVA OFTEN TARGET

The TVA has provided low-cost electric power, flood control, increased river traffic and created vast recreational waterways. In most of the state of Tennessee this has made the TVA something of a hero.

But in the mountains around here TVA is sometimes cursed and often criticized.

The reason: Last year the agency purchased about four million of the eight million tons of coal produced in Tennessee. Of that four million tons, 2.3 million were strip mined.

Strip mining is an enemy of the people of the area.

They live in poverty despite the fact that the strip mining takes millions in wealth from the area each year. The landowners and strip miners pay a pittance in property taxes, thus increasing the tax burden of other residents.

But most of all the strip miners rape and ravage the land, leaving it an ecological disaster area. And since TVA pays to have much of that coal strip mined, TVA is a villain in the eyes of the people around here.

Several days ago a reporter-photographer team visited the site of the Emory River across the stream from where Fred Walt is stripping coal from steep heights under a TVA contract. At least one major landslide could be clearly seen, dropping a sheet of brown down the lush green mountainside.

A resident of the area pointed up and said:

"That is what TVA is doing to us. They tell us they are making the strip miners grow it back. They can never make that mountain green again. And they can never take that slop out of our river again."

Of all agencies of the federal government TVA has worked to build a "public service" image. But here in this five county area that image suffers.

FORK CATCHES TVA

The reason? TVA is locked into a dilemma. On the one hand it must buy coal as cheaply as possible. On the other hand it must protect the environment.

By law TVA is required to buy coal on competitive bids. This means the lowest price. Moreover TVA is now charged with the directive to operate its power division so that it pays its own way—without government appropriatalons.

At the same time TVA policy is to require those strip miners with which it contracts to reclaim—which means to heal the deep scars strip mining leaves in the land.

It isn't working—yet. And some residents of this area like the man on the banks of the Emory last week don't think it ever will work.

WAGNER DEFENDS COST

TVA introduced reclamation provisions into its coal contracts beginning in 1965. The provisions have since been updated. Aubrey Wagner, chairman of the TVA, says they have been strengthened.

"We believe the cost of reclamation is a legitimate part of the cost of coal," Wagner said, explaining the TVA board policy. "We believe the cost of reclamation is not excessive and that successful reclamation can be done."

Frank Smith, another member of the three-man TVA board, says that the reclamation provisions have not been in the TVA contracts long enough to provide an adequate test as to whether they will work.

"It is impossible to have instant reclamation," said Smith, pointing out that the ravaging of the mountains has gone on for too long to reverse the trend in six years.

"It is difficult to enforce the provisions of the contract. But we are not throwing up our hands. I'm not claiming that TVA has been perfect by any means. But we are working at reclamation."

According to Smith a major problem is that TVA has no control over the land which produces the coal the agency then buys.

There is a traditional frontier spirit that still holds in the American mind that if you don't own land you can't control the use of it—particularly if you are the federal government.

"A change in that philosophy is beginning to take place," said Smith. "The people of the country are beginning to become sensitive to the need to use the land more advantageously and to allow some direction from government with regard to its use. But it is a slow process, he says.

Smith maintains, not unlike TVA board chairman Wagner, that there is no validity to the argument that reclamation is curtailed because the agency must buy low-dollar coal and be competitive.

Smith said "It is still too early to conclude that land reclamation won't work."

This is the general view held by the directors of the TVA.

DEBATE FROM WITHIN

But within the agency there is debate from various sections. There are the conservationists within the TVA who hold that the agency doesn't take enough force in demanding that the strip mined lands be redeveloped. A few, in candid moments, wonder if reclamation is impossible after the land has been robbed of its coal. Still others, in the fuel purchasing division, are not concerned about reclamation. Their job is buying coal at the cheapest price to provide adequate electric power—an increasing problem—at the lowest consumer rate possible.

Most people within TVA feel that the full burden of reclamation has fallen on their agency shoulders and that nobody else in other branches or levels of government are interested in taking any responsibility.

It is true that the Tennessee Department of Conservation operates a skeleton staff to inspect and oversee strip mining operations. The strip miners laugh among themselves that no state officials ever seem interested in how they treat the land—or even whether there are license plates on the trucks that haul the coal. And usually there aren't.

"We have a program and we are working at it," says Frank Smith. "The Tennessee Department of Conservation is more interested in courting the wealthy sportsmen in the state than in worrying about land reclamation. They could help."

But Smith, as most others in TVA, do not believe that speedy corrective action will come unless the federal government passes stringent laws controlling strip mining activities.

While some in TVA say that there is still a chance that reclamation contracts will help cure the ailment, the cost of coal continues to create problems for the agency.

It remains a fact that TVA must be competitive in its bidding. Still, it must require those from whom it buys coal to charge more for it because they must reclaim the land.

Economists would suggest this can only eventually increase the price of electric power. Indeed last year there were increases as the price of coal skyrocketed.

There was one period last year when TVA was caught short and the price of coal temporarily reached $10 a ton. Still TVA paid a $4.50 a ton average in 1970 and has paid $5.90 in 1971. Prices per ton since 1965 have ranged between $3.96 and $5.90. A check of the long term contracts that TVA awarded last April shows that both strip and deep mine coal is running between $7 and $8 a ton. TVA continuously buys spot coal, which is presently running between $5 and $6 a ton.

More important than the price TVA pays for a ton of coal is the price it pays for the heat value.

If one lump of coal gives off more heat than another lump of coal then less of the first kind of coal is needed to produce the heat required to generate electricity. The measure of heat is called the British Thermal Unit and is another way of saying calories. The British Thermal Unit is known as the BTU.

The price TVA has been paying per million BTU has steadily increased and the number of BTUs in a pound of coal has been steadily going down.

The largest drop in number of BTUs per pound occurred between 1969 and 1971 when the number went from 11,356 to 10,796. This is about the time that strip mining began to build to its present peak.

TVA LOSING QUALITY?

During this two year period TVA paid an increase of seven cents per million BTUs the largest increase since records were kept in 1946. The question is what all this will do to the famous TVA low cost electric power yardstick.

This big decrease in the BTU content of coal may mean that TVA is not getting the quality of coal it needs, and an added burden is the disposal of ash in the coal that will not burn.

The means that the mining companies use to deliver less than the required quality of coal was called capping. The term has been softened and is now called blending.

The strip mine operators load their trucks with poorer quality coal, sometimes outright dirt, and cover it with good coal.

A TVA official said that this practice has ceased, but a talk to officials at the Kingston Steam Plant indicates otherwise.

ASH CREATES PROBLEM

Kingston manager A. O. Spencer said the ash content of the coal the plant is receiving averages about 18% and is sometimes as high at 20%.

"The coal operators are not trying to fool us," Spencer said. They say they are bringing in 20% ash and that's what we get. Once in

a while someone tries to sneak a bad load by."

Kingston coal is not supposed to be more than 16% ash.

The more ash, which is dirt that will not burn, there is in coal the more coal is needed to reach the desired heat. Also, the greater the ash content, the more difficult it is to dispose of it.

Spencer said that it takes about 5% more coal to produce 200,000 kilowatts due to increased ash content.

Critics of TVA have suggested that the agency has the organization which would permit it to buy coal in such a manner that would include careful planning to insure an adequate supply for electric power generation and at the same time protect the environment.

While TVA officials challenge that, it is apparent TVA's reclamation provisions are not helped by the need to buy coal at the lowest possible price.

"PRICE NEARLY DOUBLED"

TVA chairman Wagner said he is not qualified to determine just what the cost of reclamation is. TVA officials say such information is not available now because it will vary from strip mine to strip mine. They added that one purpose of TVA's special study contract for strip mining in Campbell County is to come up with guidelines of the cost of reclamation.

"We have felt that when the price of new coal nearly doubled on us a little over a year ago it was not clear that the cost of reclamation or mine safety measured up to the increase in price," Wagner said.

There are already at least four landslides on the TVA model strip mining contract with the Long Pit Mining Co. in Campbell County.

Another large contract in Campbell County, with the Spradlin Coal Co., has demonstrated that the area is not suitable for growing after strip mining. Arthur Wardner, TVA forester, said on a tour of the strip mine that the agency knew of soil conditions before stripping began.

STATE LAWS WEAK

Then there is the Emory River operation mentioned earlier in this article. Fred Walt, the strip mine operator on that job had a stripping job a few miles away on the Obed which was closed down last year because of environmental damage.

Wagner said he believes it is important to bring state strip mine law and TVA regulations for reclamation into line with each other to insure enforcement. State laws are weak and, such as they are, remain unenforced.

Wagner said it would take several years for TVA to switch from strip mined coal to deep mined coal. He said a ban on strip mining would deprive TVA of 40% of its power production.

He said he did not know what portion of TVA's strip mined coal comes from the areas with steep mountains like East Tennessee.

TVA officials said later that 25% of TVA's strip mined coal comes from the sides of steep mountains.

A check of records of the TVA division of fuel purchasing showed that approximately 17.5% of TVA's total coal supply is strip mined off the sides of steep mountains.

With such an involvement in the purchasing of strip mined coal it is not surprising that TVA sometimes is called "the villain" in the five county region where the coal cuts have left gaping wounds in mountainsides and streams clogged and polluted.

But TVA is aware of its image.

Its officials insist they are doing all they can to improve more than their image—they want to improve land reclamation. It is too early to tell—as their officals say—to improve their image or the effort to imwhether they will succeed in either the effort prove the land.

[From the Nashville Tennessean, Sept. 20, 1971]

BAKER SAYS EASTSTATE STRIPPING MUST STOP

(By William Greenburg)

HELENWOOD, TENN.—Strip mining of coal in areas such as northeast Tennessee must be stopped as fast as the law will allow, Sen. Howard Baker Jr. said recently.

"The strippers are moving very fast," Baker said. "They know something is going to happen."

Baker said he thinks Congress will act next session—"we cannot wait."

The state's senior senator has first-hand knowledge of strip mining in the area. He manages a 40,000 acre estate in Scott County, which has been stripped before—and is being strip mined now.

The land Baker manages is the Payne-Baker estate. His mother, a Payne before her marriage, owns one ninth interest in the land, and the Payne family of Pennsylvania owns the rest.

Baker said people and land are subsidizing the price of coal because strip mining allows the sale of coal without including the cost of reclamation.

"Reclamation provisions are a matter of economics," Baker said.

"You wouldn't have stripping if you didn't have the economic advantage. Just guessing, I would say that about $2 a ton is needed for appropriate reclamation where it can be done.

"It's just that you can get coal cheaper by stripping," the senator said.

He also said land should not subsidize the price of electricity by supplying cheaper coal through stripping—then cheaper power production.

Baker said he felt the best approach to strip mining is federal regulations that are uniform throughout the nation.

Flat terrain, he added, will allow a longer phase-out period of strip mining.

"In other areas like northeast Tennessee stripping of coal must be stopped as quickly as due process will allow," he said.

Baker said he felt the coal property is being assessed fairly. He added, however, there should be a severance tax on the production of coal. He said strip miners are getting a break by not paying taxes on the equipment they use in their business.

Most landowners and strip miners have said what they do on their own property is of no concern to the public.

"The concept of private ownership goes back to England," Baker said. "But even in the earliest days in medieval England the king intervened to prevent wasting the land.

"Private ownership of property does not necessarily permit free reign to have absolute disregard for the future of the land or the effect on remote or adjacent landowners or even people who may not be landowners," he said.

"I think," Baker continued, "there is a responsibility to society on the part of the landowner that property be left in decent condition and that it doesn't impose on the rights or the property of others.

"The condition of private property should not be such that it destroys public assets like streams and whole water sheds, and wildlife.

"We have had the dilemma on our land from the very outset, whether to strip or not to strip and to what extent we should require the operator to reclaim.

"The dilemma I face is the inherent concern I have for stripping per se and the concern I have for the huge recent stripping which I deem to be an absolute abomination on the one hand, and my responsibility as a property manager on the other.

"What we have done is lean more heavily as time goes by on the income we could derive from our timber management program instead of from coal and from deep mines of from strip mining."

Baker said abandoned strip mines that have gone unreclaimed—referred to as orphans—present a "thorny" problem. He said one possible approach is for the government to take over the land by condemnation proceedings, reclaim it, and then sell it.

But, he added, this can not happen if the climate continues to exist which creates orphan lands.

[From the Nashville Tennessean, Sept. 24, 1971]

PROBE SET OF TVA STRIP-MINED COAL PURCHASES

(By William Greenburg)

WASHINGTON.—The General Accounting Office (GAO), the official investigative arm of Congress, will investigate the Tennessee Valley Authority's policies in purchasing strip-mined coal.

"We probably won't have anything in the way of a report for another six months," a GAO spokesman said yesterday.

"We are getting ready to make an investigation. Yes, we are tooling up for it. There is definitely no question about that."

Asked about the report, a TVA spokesman in Knoxville said:

"We know that the General Accounting Office will inform us of its interests, and we will be very happy to answer all questions and cooperate with their representatives in every way."

The request for such an investigation was made last month in a letter from Rep. Ken Hechler, D-W. Va., to Elmer B. Staats, comptroller general of the United States, who heads the GAO.

Hechler, who represents the southwestern portion of West Virginia, is the leading opponent on Capitol Hill against strip mining of coal. He has introduced a bill which calls for banning all strip mining of coal in six months.

In his letter to Staats, Hechler stated:

"It would be most helpful for the General Accounting Office to review TVA's contracts for surface-mined coal, including the nature, extent, and effectiveness of reclamation by TVA contractors following surface mining operations."

Hechler said there are questions about the adequacy of the reclamation requirements, the extent and method of enforcement of those requirements, and adequacy and frequency of inspections. He also said there are instances of waivers and exceptions to the requirements.

Hechler asserted there is also a question about the extent to which TVA accepts compliance with comparable reclamation standards as fulfillment of its own reclamation requirements.

By law TVA must buy coal by competitive bidding, which means for the lowest price.

The question has been raised by many persons, particularly in East Tennessee and other areas where TVA buys coal, whether this method of purchasing takes the cost of reclamation into consideration.

[From the Nashville Tennessean, Sept. 26, 1971]

WEST VIRGINIA LAWMAKER RAPS "COMPROMISE" ON STRIP MINING

(By William Greenburg)

WASHINGTON.—West Virginia congressman Ken Hechler will vote against any control of strip mining of coal in the United States, no matter how strict.

"If I were the only congressman in the House of Representatives voting no, I would not vote for such a compromise," Hechler declared in an interview in his office on Capitol Hill.

To Hechler, strict control of strip mining of coal is a compromise.

He is for an all out ban and he has introduced legislation to that effect.

The grey haired, energetic, former professor, who represents southwest West Virginia,

is the champion in Congress of the antistrip mining movement.

The West Virginia Democrat is far from what people are now referring to as a pure environmentalist.

He sees his battle against coal strip mining as nothing less than a matter of survival related to the destruction of the land and water and their ability to support life and other development.

He contends that those who argue that a ban on strip mining would jack up the cost of electricity and stunt development do not realize that the cost of repairing the havoc that strip mining wreaks on the land may be too great for even this nation to bear.

"There has been a backlash due to the narrow approach of some environmental groups," Hechler said. "But this reaction is due mostly to the big public relations campaign the coal industry has mounted to divide the conservation interests. It has made them appear more selfish than they are. However, the conservation groups should think more about getting together to protect everybody, not just their own interests."

"A fair price of electricity," Hechler said, "must include external costs of protecting the land and the health and safety of the miners. I'm not going to assess what a fair price is going to be."

Hechler said that the cost of strict enforcement of strip mining reclamation would be so massive as to make it uneconomical.

"TVA is a good example. You can not have a nice piece of rhetoric in your contract about reclamation and still produce coal at a profit at the cheapest price," Hechler said.

He challenged the model strip mining regulation program in West Germany. He said that West Germany strips far less coal in proportion to the United States and that West Germany last year imported three and a half million tons of cheap American coal.

"Economically the West German regulations can not work," Hechler said. "If you think the strip mine operators and the National Coal Association are going to sit still for these regulations—they'd rather have abolition."

Hechler's bill calls for a ban on all coal strip mining in six months. He said that there would have to be some kind of transition period to underground mining.

He challenged the coal industry's protestation that such a shift would take three to five years leaving the nation without coal for nearly half of its electric power generation.

"We have an ample supply of underground coal," Hechler said. "There is no indication that the coal industry is even making an attempt to shift underground. They don't even want to plan for it. They should have started planning for the move.

"The coal industry and the administration is not taking the initiative. All they say is we have an energy crisis."

Hechler suggested that one procedure during a transition from strip to deep mining is an adjustment on coal exports. He said that the United States exported 75 million tons of coal last year.

Answering critics who charge that Hechler's bill would send men underground to their deaths, he replied that strict enforcement of the mine health and safety act would do much to eliminate that problem.

Hechler said that deep mining was dangerous, but strip mining is getting more dangerous.

"I'm not saying that strip mining is more dangerous. But, the gap between strip and deep mining is not as great as people may think and the introduction of larger equipment into strip mines will add to the accident rate." he said.

Hechler added that he is mindful of the environmental damage associated with deep mining, particularly subsidence (when the ground is undermined and it gives way). He said his bill includes strict regulations of deep mining against environmental damage. Other damage associated with deep mining is acid drainage and coal fires that burn underground.

"It is going to be more expensive for the consumer of electricity and the coal buyer," Hechler said. "Only it's even more expensive now to bear the cost of strip mine damage," he said.

Sen. Howard H. Baker Jr., who manages 40,000 acres of land in East Tennessee and who has called for banning strip mining in mountainous terrain, said those who protest banning or strict controls must be reminded of the same protests during the fight to ban child labor.

At that time, industry contended that a national disaster would result if children were taken out of the factories.

"This is true of any social legislation," Hechler said. "There are dire predictions of disaster and actually it's just an argument used against progress."

EXEMPT LOW-PAID WORKERS FROM WAGE FREEZE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, on August 8, 1969, President Nixon introduced to the Nation his family assistance plan. In doing so, he made a very pertinent statement—one which is particularly significant today. The President said:

(T)he government would recognize that it has no less of an obligation to the working poor than to the nonworking poor. . . .

The fact is that there are, indeed, millions of families and individuals whose incomes derived from decent, steady employment fall far below the most meager estimate of a reasonable amount. According to figures released in May of this year, there are some 16 million families in this country who have incomes of less than $7,000. In addition, some 11 million individuals have incomes of less than $6,000.

What do these figures mean? Some idea—although still in the cold, impersonal terms of numbers—is obtained by examining the average family budgets worked out by the Department of Labor's Bureau of Labor Statistics. The Bureau has worked out an average budget for an urban family of four living at a so-called lower level. For this family just to get by in an urban area at a lower level of existence, the Federal Government has estimated the need at $6,960 annually. For the nonurban four-member family, the annual lower level budget comes out to $6,512.

Now I want to be very clear about these figures. They apply to a lower budget family. An intermediate budget family needs annually $10,644. And a higher level family needs $15,511.

I want to stress also that these figures are based on spring 1970 prices. That is almost one and one half years ago, and clearly, in light of the inflation which has afflicted us, all these budgets would have to be readjusted upward to reflect conditions today.

The conclusion is clear. Millions of individuals are working industriously to support themselves and to support their families. Yet even while doing so, they are not sustaining themselves and their families at more than a bare bones level.

Since August 15, this situation has been exacerbated. President Nixon, in announcing his administration's new economic program, instituted a wage-price-rent freeze. The consequence has been that these millions of individuals cannot obtain higher wages in their present jobs. They are locked in poverty and near poverty.

The argument that they are no worse off because their rentals cannot rise, and prices cannot rise, is really beside the point. Even at the currently frozen prices, these millions are still locked into an abysmal standard of living.

This situation is intolerable. The whole thrust of this administration's proposed revision of the welfare laws has been to bring the working poor into a system of governmental income assistance. Even though the levels set under the Family Assistance Plan were far too low, the underlying premise was accurate: Many working people simply do not have enough to live on decently. Yet, given this premise which the administration apparently adopted, the administration has now instituted a freeze which completely ignores that perception.

I say this cannot be. I say that we cannot comfortably lock the corporation executive into his pleasant standard of living, bought with a $25,000 annual income, and just as comfortably consign the millions who barely survive to their meager sums. This is equality, yes; but it is the equality of preserving the disequalities which already exist by treating both the well off and the miserable with evenhanded lack of compassion.

I am today introducing legislation to make clear the Congress rejection of this system. This legislation states clearly and unequivocally that no matter what plans the administration announces for phase II of its economic program, or phase III, or whatever else comes along down the road, we must recognize the plight of millions of workers and we must help.

The concurrent resolution (H. Con. Res. 414) which I am today introducing states the sense of the Congress that no individual whose income is substandard, or who is a member of the working poor or near poor, shall fall within the grip of any wage freeze until such time as that individual has been able to raise his income sufficiently to rise out of the economic category into which he now fits.

Specifically, my House Concurrent Resolution 414 provides:

It is the sense of the Congress that the Economic Stabilization Act of 1970, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615, or any successor amendment, or modification thereof, shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor or near-poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

I confess that I view this legislation

as entirely reasonable, appropriate, and necessary. But I need not rely upon my own particularly perspective. In fact, precedent does exist. In 1952, the Defense Production Act of 1950, under which was created the Wage Stabilization Board was amended by Public Law 82–429. This added after the language "no wage, salary, or other compensation shall be stabilized at less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive," the following new language:

No regulation or order shall be issued or remain in effect under this title which prohibits the payment or receipt of hourly wages at a rate of $1 per hour or less.

Thus, past legislation did in fact make exception for low-income workers. What is significant, as well, is that at the time of enactment of this language, the minimum wage was 75 cents an hour. Thus, not only was exception made for low-income workers from wage freezes, but that exception was so constructed as to let them earn wages a full one-third in excess of what at that time was the statutory minimum wage.

I grant the analogy of this past precedent is not perfect. The Defense Production Act only applied to defense industries workers. However, that was dictated by the exigencies of the Korean war, and the need for full defense production. I see no excuse, in this day and this time—when we recognize more fully the total unacceptability of poverty and near poverty—for not employing the past analogy to its furthest perimeters. And that means exemption from the wage freeze for all workers, regardless of what industry they are employed in, until their wages are no longer substandard or until they are no longer members of the working poor or near poor.

Our obligation is clear. We cannot allow the administration to solidify millions of men and women, and their children, into poverty and near poverty. They must be exempt from the wage freeze.

THE PRESIDENT MUST ENFORCE THE WHITTEN AMENDMENTS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, I have urged President Nixon to take action to stop the Secretary of Health, Education, and Welfare from violating the law in directing forced school busing.

You will recall that last year I finally got the Congress to adopt the Whitten amendments. They became a part of Public Law 91–380, making appropriations for the Department of Health, Education, and Welfare. This year the Congress adopted the Whitten amendments again—this time recommended by President Nixon. They are sections 309 and 310 of Public Law 92–48, making appropriations for the Office of Education, for the current year. I quote the provisions here:

SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Headlined by the liberal news media before Congress adopted them, these amendments to the law have been given the silent treatment since—yet they represent the only successful effort to show the feelings of the great majority of the Congress, the people's branch.

Not only is the Department violating these statutes, at the instance presumably of the Secretary, by directing forced busing or plans that require busing, but, Mr. Speaker, we are having Federal judges, I am advised, directing the Department of Health, Education, and Welfare to violate these sections by calling on them to submit plans which would of necessity require forced busing to carry out the order of the court. The Federal judges have no funds for this purpose.

This matter of force is contrary to the original Civil Rights Act of 1964, and contrary to the expression of the Congress both last year and this year by an overwhelming vote which came after several years of effort on my part, as author, joined by the overwhelming majority of the Congress—House and Senate.

It is my belief that appropriate committees of Congress should make a study of this matter and that they recommend to the Congress appropriate action against Federal judges who direct violation of these statutes; that the American Bar Association make a study in this area and make similar recommendations; and that the General Accounting Office also get into this matter of spending funds prohibited from use for this purpose by law.

Mr. Speaker, it is imperative that we act now to save not only the power of the Congress which has passed these laws, but that we do it in order to save public education and protect the well-being of hundreds of thousands of youngsters and families of all races.

As we know from every section of the country, hundreds of millions of dollars are being required to be spent to move children around like checkers on a checkerboard, in school districts that are already fully integrated as that term is defined in the Civil Rights Act of 1964.

This is being done in areas where the money is badly needed for teachers' salaries and for additional training needed by many teachers.

We must act now. It will be pointed out that this action will not answer all the problems, and it won't, but it will be a solid start toward commonsense.

We have seen law enforcement broken down, all traced back to the Federal courts; we have seen the people's branch, the Congress, seriously weakened by redistricting demands by the courts, in which the Congress has acquiesced. Now if we lose out here and let public education be destroyed, Russian communism will have won without doing anything except use the American people themselves.

In recent weeks there have been numerous constitutional amendments offered and I have joined in each one which has come to my attention. But we all know, Mr. Speaker, provided it is passed by the Congress, that it will take years for a constitutional amendment to be approved by sufficient number of States to become effective. I truly believe President Nixon must act now, under existing law, to put a stop to this destructive force that is destroying the quality of public education and, in the process, striking at the very bedrock of our Nation.

TWO ILLUSTRATIONS OF WELFARE BUNGLING IN THE CITY OF NEW YORK

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's newspaper, Jule M. Sugarman, administrator of the Department of Social Services of the City of New York, stated that the new work-relief law enacted by the New York State Legislature requiring that people on welfare able to work, report to State employment centers to pick up their welfare checks has had "only a marginal effect" in reducing the city's welfare rolls. He made public a detailed analysis of the August rolls showing that 1,152 persons of the total required to pick up their welfare check at State employment centers and take available jobs had been removed from the rolls for noncompliance. He said 1,331 others had been taken off for "normal reasons."

He was not able when pressed by reporters to provide an estimate on the savings to the city, State, and Federal governments that resulted from legitimately terminating the 1,152 from the rolls; however, a simple multiplication of that number times what he stated was the average monthly grant of $69.29, if paid for a year, would be $957,864.96. I personally would like to know how many in fact were receiving the larger grants which for a family of four exclusive of rent would be $231 a month. What also bothers me is the fact that Mr. Sugarman accepts with equanimity the fact that 1,152 people were, it appears, fraudulently receiving welfare checks while gainfully employed.

I remember seeing Mr. Sugarman on television not so long ago when the first reports came in after the new work-relief law had gone into effect, saying that one reason welfare recipients might not want to pick up their checks is that, "it is too much of a hassle." I think that public

confidence has been eroded in the welfare system because those in charge do not think that it sufficiently important to weed out the corrupt recipients and the mismanagement of the welfare system by the city bureaucracy which has caused huge and unnecessary expenditures of money. For example, New York City spent more than $7 million on welfare hotels last year and continues to use them, paying rents for some families exceeding $1,200 per month. More details on this later.

More than 2 years ago proposals were made to have welfare payments distributed through local banks instead of being sent through the mails where many are reported as stolen or lost. Jule Sugarman delayed month after month putting into effect the banking proposal which had been made to him by a number of legislators including myself—and finally announced such a pilot program only about 2 weeks ago. In the meantime the city, State, and Federal governments were defrauded through forgeries or stolen checks to the tune of about $4 million in 1 year.

Nevertheless, when criticisms relating to the management of welfare in the city of New York are made, no matter how bona fide they are, they are met with the rejoinder that the items covered by the criticisms are of marginal importance in view of the size of the welfare budget in the city of New York, which in the current year is budgeted at $1.1 billion. The difficulty in getting the city of New York to move to correct simple incompetence on the part of the department of social services is dramatically demonstrated in two situations which I wish to bring to our colleagues attention.

The first concerns a young woman, Mary Steward, who has nine children. They are all on welfare, living in a hotel known as the Earle in Greenwich Village. They have been there since September 1970, occupying three unconnected rooms with the city paying for rent and food, at the rate of $2,000 per month. To date, more than $24,000 has been expended. Mrs. Steward has begged the department to place her in an apartment at a reasonable rent that she could some day hope to pay herself if able to obtain a job. She is as angry as you and any of our colleagues must be at this tremendously wasteful expense.

The mayor's office is personally familiar with this matter because on September 17, I held a press conference on the steps of city hall. Some mayoral aides stopped to listen to my remarks, then went into city hall and returned with other aides who questioned Mrs. Steward. The city continues to pay for this family at the rate of $2,000 per month.

The second case involves a woman and a child on welfare. The woman has implored the city to investigate her allegations that her husband earns $32,000 annually so as to determine whether DOSS should act to enforce the support orders issued by the court or perhaps seek a modification of the court orders.

My letters to the department of social services have been unavailing and what particularly outrages me is a letter received from the department of social services stating:

This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision.

I have researched the law and DOSS does have the power to seek to implement such court orders. But even if not, should they not at least have requested that power?

Appended is the correspondence which I have had on these two cases with the department of social services and others.

Mr. Speaker, I along with a majority of the Members of this House believe that the Federal Government has an obligation to provide for those who by virtue of economic or other legitimate reasons are not able to provide for themselves. I believe that the Federal Government should bear the entire cost of welfare and that the moneys to be paid to individuals and families legitimately on welfare should be that amount necessary to take them out of abject poverty and degradation wherever they live.

I voted for H.R. 1 because it was a step in that direction although far too minimal in the allowances provided. But our job in making others see the need and indeed the moral reasons for having the Federal Government undertake this burden is made so much more difficult when the city of New York bungles its administration of the existing program and permits incompetence and fraud to take place. My reason for making my correspondence on these cases known and bringing these two matters to national attention is to make the department of social services do what it is charged by law to do. Unfortunately it is not doing it and will not unless the pressure of public opinion compels it to do so.

My correspondence on cases Nos. 1 and 2 follows:

CASE NO. 1

NEW YORK, N.Y., *July 1, 1971.*

Hon. ED KOCH,
New York, N.Y.

DEAR SIR: Mary Steward, at The Earle, has still not been relocated, due to a mix-up. I am going to be out of the country most of the summer and I know she will have no one to turn to, once I am gone, no matter how sick and desperate she becomes. She is terribly depressed and in poor health, besides.

Mary has sickle cell anemia and a serious gastro intestinal disorder which will probably require further surgery. (She had one operation last year.)

One of her nine children has cerebral palsy and cannot walk. She had a fire in her room at The Earle about two months ago and one child was trapped inside and burned. Another suffered smoke inhalation.

She is desperate and feels she has been forgotten. All the other families are out. The Stewards have been at The Earle nearly a year, at a rent of over $300 a week plus restaurant allowance. It has been a nightmare for them.

I have contacted everyone I can think of, including Mrs. Wall of the local planning board, in an effort to get someone else to help her once I am gone, to no avail.

Monica tried to expedite . . . nothing came of it. I realize it takes time but this is a dire emergency and she has been given a very hard time by D.S.S. and treated most unfairly. Mary is not a fighter so she has been taken advantage of, in my opinion. I hope you can help before things get much worse.

Sincerely,

MYRNA POSNER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 8, 1971.

Mr. JULE SUGARMAN,
Commissioner of Social Services,
New York, N.Y.

DEAR JULE: I would like to bring your immediate attention to a matter which I consider to be of urgent priority.

I received the enclosed letter from a constituent Myrna Posner regarding Mary Steward and her nine children. As you will note, the Stewards apparently have been living at the Earle for nearly a year, under deplorable conditions and at a rental fee of over $300 per week, plus a restaurant allowance. It is my understanding that Mary Steward at one time refused an apartment from the City Housing Authority because she was under the impression that she had another apartment in the offing but unfortunately negotiations were unsuccessful and she did not get either apartment. As a consequence, she and her nine children still remain at the Earle.

In view of the fact that the Stewards are apparently the only family left at the Earle that have not been relocated, and the Department of Social Services is paying an outrageous rate for a family of ten to live under unbearable conditions, without cooking facilities, it would seem that something could be done to immediately assist this family in finding a decent place to live at a much more moderate rate.

I want to draw your attention to the fact that there are several medical conditions involved here. Mrs. Steward suffers from Sickle Cell Anemia as well as an intestinal disorder, one child has cerebral palsy and cannot walk, another was burned in a fire in their room at the Earle which also resulted in still another child suffering from smoke inhalation. These additional problems make this a case requiring special compassion.

I would appreciate your immediate intercession in this matter, and would like to hear from you as soon as possible.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF SOCIAL SERVICES,
New York, N.Y., July 28, 1971.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I have your recent letter in which you inquire about the status of plans to assist Mrs. Mary Steward and her family to move from the Earle Hotel.

I share your concern about this family living in the hotel and have asked my staff to make a special effort to rehouse this family. Mrs. Steward has not lost her eligibility for NYCHA project housing but they have not been able, as yet, to find an accommodation large enough to meet her family's needs.

Thank you for bringing this situation to my attention.

Sincerely yours,

JULE M. SUGARMAN,
Commissioner.

NEW YORK, N.Y., *August 12, 1971.*

Hon. ED KOCH,
New York, N.Y.

DEAR SIR: I returned from my vacation today to find, to my distress, that Mary Steward is exactly where I left her six weeks ago, at The Earle.

Furthermore, I received a letter from Bella Abzug stating that "the possibility of public

housing is practically non-existent since the city has no apartments of the size her family requires."

In other words, the top priority Monica informed me Mary had was for an apartment which does not exist. She might as well have been on a waiting list for the moon! To lead her to believe she was being helped was cruel. These families have had enough disappointments already.

What is even more unfair is the fact that she was offered an apartment in a project which her caseworker turned down, in favor of private housing, which never materialized, so she was left with nothing.

In order to "accommodate" the owners of The Broadway Central, the city found apartments for larger families than Mary's but that was when the press was available for "publicity." I have begged Mary Nichols to give a few lines to this case but she has ignored it. The subject is passe.

I made a commitment on the basis of information I received from your office. I am going to follow through to see that Mary Steward gets an apartment through the city. It is cruel and inhuman to leave her at The Earle. Perhaps if she stays there long enough, her family will be reduced in size, as were the Sheppards, and she can then "fit" in an apartment.

I will do what I have to do to see that the Stewards get what they were promised, if I have to get myself arrested doing so. I am hoping you will help me. I think a year at The Earle is too much to ask of anyone with children, especially since there are no kitchens now.

Although Mary has nine children only seven live at home and I know several families of this size who got apartments in projects when the press was present and following up on the matter.

The Earle is the cesspool of the earth and is no place to bring up a family. This situation is intolerable and must be remedied at once. What I find outrageous is that all the people who got their names in the papers expressing their "concern" for the welfare families are now unwilling to assist in any way in calling attention to this case. I have begged the Planning Board to help, to no avail. They have used the problems of the desperate and unfortunate to seek glory, giving nothing in return. I find myself quite alone in this community of "great liberals." When the press left so did the "concern." Perhaps The Voice would help if you asked them. It brought immediate results for the Sheppards with a direct call from Mayor Lindsay and an apartment was found when all else failed.

Sincerely,

MYRNA POSNER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 18, 1971.

Mr. JULE SUGARMAN,
Commissioner of Social Services,
New York, N.Y.

DEAR JULE: I am distressed to discover that as of this date the Steward family about which I wrote to you in July has not yet been relocated outside of the Earle Hotel. I have your letter of July 28 in which you said NYCHA had not been able, as yet, to find accommodations large enough to meet the Steward family's needs. However, I should think "special Efforts" which you indicated your staff would take in this case, would have been sufficient to provide suitable accommodations by this time.

I learned by phone just yesterday from Mrs. Steward that the water at the hotel is black in color and as a consequence the Steward children became ill, which just adds more urgency to this case which has lingered too long.

Please Jule, I urge you to immediately relocate this family.

Sincerely,

EDWARD I. KOCH.

NEW YORK CITY HOUSING AUTHORITY,
New York. N.Y., August 30, 1971.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR ED: This is in reply to your letter regarding Mary Steward who is residing at the Earle Hotel, 101 Waverly Place, New York City.

Our records indicate that this family was interviewed and found eligible for public housing. However, we have not been able to refer their application to any of our developments because of the size of the family.

We have placed their application on the Hotel Emergency waiting list for a suitable apartment. If it is possible to refer it to one of our developments, we will notify them by mail.

Sincerely yours,

SIMEON GOLAR,
Chairman.

[From the Village Voice, Sept. 9, 1971]

HOTEL EARLE: LAST VICTIMS

(By Howard Blum)

Mary Stewart and her seven children are the only welfare family still living at the Hotel Earle. All the other families have been relocated to apartments.

Even in the bright summer daylight, the Hotel Earle is very dark inside. The halls smell. Mrs. Stewart has a small, box-like room, large enough for only a bed. The ceiling is peeling. Down the hall, her children share two small rooms. The mattresses are grouped on the floor. They sit in their room on a sunny Saturday afternoon and watch television.

The city pays $296 a week, or close to $1,200 a month, to house the Stewarts in three small rooms at the Hotel Earle. For this price the Stewarts do not even have cooking facilities. On Wednesday there was a fire at the Earle. Another fire on Friday too, Mrs. Stewart remembers. Last April her six-year-old was burned from a fire in the hall. Now she says junkies are trying to lure her 14-year-old daughter into the basement.

"When is the city going to move us out of here?" she begs. I don't want to be the one to tell her someone has to be the last to leave.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 13, 1971.

JOHN V. LINDSAY,
Mayor of New York City,
New York, N.Y.

DEAR JOHN: I think you should know of the callous treatment the Department of Social Services has been giving Mary Steward and her nine children, who have been living at the Earle Hotel for over a year under deplorable conditions and at a rental fee of close to $1200 per month including restaurant allowances.

In view of the fact that the Stewards are apparently the only welfare family left at the Earle Hotel that has not been relocated and that they have been there for over one year now, it would seem that something could and should be done immediately to assist this family in finding a decent place to live at a much more moderate rate.

On July 8 I wrote to Jule Sugarman, and on July 28 I received a reply, copies of which are enclosed. I also wrote to Simeon Golar on July 22 and again to Jule on August 18, and to date I have not received replies. I am distressed at the apparent lack of concern reflected by these delays.

The Stewards have suffered through many trying and inexcusable incidents. For example, the fire at the Earle last year burned the family out of their rooms and destroyed all their clothing, left one child with second degree burns and a couple of other children suffering from smoke inhalation. The fear of being burnt alive is a constant fear for the Steward children, for the danger of fire is apparently ever-present; the most recent fire, I am told, was approximately two weeks ago between 2 and 3 a.m.

The children are so frightened that they refuse to remove their clothes at night in the event that they might have to run for their lives in case of another fire. The children sleep on beds which consist of nothing more than mattresses on the floor. The sink and bathtub in the room in which the children sleep is clogged up, and noxious fumes enter the children's room from outside the window, where garbage is thrown by tenants living above.

These conditions at the Earle were observed by Carlotta Brantley and Maureen Kirby of my staff, who visited the Steward family on August 27 and were astounded by the conditions under which this family is forced to live. The mere thought that the Steward children must survive on Nathan's Restaurant food day in and day out because of no cooking facilities is, I'm sure you'll agree, outrageous.

I also learned just recently from Mrs. Steward that the water at the Earle is black in color and as a consequence, the Steward children became ill, which just adds more urgency to this case, which has dragged on far too long. It is also relevant to note here the shocking fact that, according to Mrs. Steward, since her family moved into the Earle, the case worker for the family has never visited them.

I urge you immediately to intercede personally in this case and see that this family is provided adequate housing. The Department of Social Services alleges that, because of the size of the family, it is difficult to find them adequate accommodations. With the passage of so much time the delay is inexcusable.

I would appreciate hearing from your office by telephone as to what finally will be done to relocate the Steward family.

Sincerely,

EDWARD I. KOCH.

As of October 4, 1971, no response has been received from Mayor Lindsay.

CASE NO. 2

APRIL 28, 1971.

Mr. EDWARD KOCH,
Congressman, New York City.

DEAR CONGRESSMAN KOCH: My husband has been earning an income of approximately $32,000 annually since 1964. I am still married to this man. Yet, my six year old son and I have been on Welfare for 2½ years. Currently, in spite of his owning a business, warehouse, new car, stock, inventories and living in a luxury apartment in Riverdale, N.Y., I am currently still on Welfare. During all this time, the New York City Department of Social Services never once contacted my husband.

In spite of the fact that my husband is white, enjoys an affluent life-style, is employed and has his own business, he nevertheless is represented by not one, but two attorneys from a Federal-funded, legal poverty organization, that is supposed to give aid only to the indigent. This organization is the Harlem Assertion of Rights, 1646 Amsterdam Ave., New York City 10013. Is it any wonder that legislators were relucant to give financial support to these organizations! I do believe that this sort of legal representation is illegal, especially since two different Family Court judges stated, that my husband couldn't be represented by Legal Aid, because he owns a business. Mind you, Mr. Raymond Gloicher, the chief attorney of this organization together with Mrs. Eva

Brigante, is representing my husband. Now, I am back on welfare with my son, thanks to their efforts.

I would like to present my own case before you, so that through your aid a ludicrous situation can be stopped. In order to do this I am enclosing copies of papers and letters of the following:

(A) Letter to presiding Justice Harold A. Stevens of the Appellate Division, Supreme Court, which explains my legal case from May 18, 1967 to June 12, 1969.

(B) Reply to such letter.

(C) Letter from the Grievance Committee of the Bar. This Committee had a complete file, that I had furnished them and yet no action was taken until I wrote to Justice Stevens.

(D) Letter to Mr. Dicker of the Legal Aid Society, from the Grievance Committee of the Bar. Although I was on Welfare and had a card, I couldn't get any legal aid office or Federal-funded organization to modify my Judgment from Supreme Court to Family Court to collect arrears and support for the child and myself. I was living in Manhattan since December of 1966, collecting Welfare in Manhattan since August 1967, yet I was told that I would have to go to the Bronx Legal Aid Office. I had told Legal Aid that I had already been to the Bronx Legal Aid office and was refused help, though I had a Welfare card. They had referred me to the Referral Services of The Bar Association, with the explanation that my husband owns a business, and is represented by the firm of Gordon, Brady, Heller and Ballon, he could afford to pay for my legal fees. In October the Bronx Legal Aid Society represented me, and had obtained a Modification of the Supreme Court Judgment to collect the arrears of said Judgment and support in Family Court in Manhattan.

(E) Letter to Mr. Bishop, supervisor of Welfare. Having no permanent home and spending two nights with the child in Grand Central station, I finally went to see my husband with the child to explain our situation. I asked him to please take the child temporarily, as we had no place to go, and I wanted to get a job, so I could save some money to make a home for him. His reply was that I should go back to Welfare with the child, it was Saturday, and after much discussion he condescended to take our son. In January I went back to work, and in February, I sublet an apartment from a friend. This apartment consists of one room and the child and I are living there.

(F) Judgment and Order of Family Court.

(G) On January 15, 1971, my attorney represented me at 80 Lafayette St. and my husband was without an attorney, as Mr. Albert withdrew from the case, when my husband failed to post bond of $210 in November. Judge Guerrero was presiding in court, when my husband stated he was trying to obtain a Legal Aid attorney. Judge Guerrero told my husband that he was not entitled to Legal Aid as he owns a business.

(H) My attorney wrote a letter to the court, withdrawing from my case. On January 21, 1971, went before Judge Caputo for a hearing, and again my husband was told he could not have Legal Aid represent him, because he owns a business. Judge Caputo, requested that my attorney re-enter on my behalf, and placed a date of March 8th to be heard again.

(I) Letter to Judge Polier on March 5, 1971.

(J) On March 8, 1971 my husband was represented by Eva Brigante, of the Harlem Assertion of Rights, 1646 Amsterdam Ave., N.Y.C. My husband has his residence in a luxury apartment in Riverdale, N.Y.

(K) March 12, 1971, my attorney's letter to Eva Brigante.

(L) March 22, 1971, my husband was once again represented by Eva Brigante of the Harlem Assertion of Rights, I was not represented, as my attorney was out of town handling a case for his firm, that he is employed by. Judge Polier stating that my husband was disable because of illness, could not work, withdrew her order, excused him from all arrears, in both Supreme Court and Family Court, referred me to Welfare. Although, my husband is ill, he has never filed for his disability insurance, although he is paying the maximum amount for this insurance. At that time, as at the present he is still living and maintaining his apartment, has his business, warehouse, car, and other assets, yet the judge didn't question him on any of these, when she withdrew her order of support. I stated at this time I would produce proof of him working, and a date was set for April 19, 1971.

In preparation for the case, my attorney sent to the court for Judge Polier to sign 11 ribbon copies of Subpoenas Due Tecum for insurance to the following: banks, suppliers, brokerage firm, credit cards and Doctors to testify to his illness, and ability to work. Judge Polier, refused to sign any of these Subpoenas, stating that it only would be a waste of the taxpayers money, but she does not consider it a waste of the taxpayers money having me and the child on Welfare, when my husband can provide for us.

April 19, 1971 my husband was again represented by the Harlem Assertion of Rights, but now by both Eva Brigante and Mr. Raymond Gleicher the head attorney of this office. At this time pictures and testimony was presented to the court on my behalf, showing my husband was working on March 25, three days after Judge Polier withdrew her order and referred me to Welfare. Photos and testimony was presented to the court showing he was working on two other occasions as well, mileage on his car was photographed showing he had driven 1,262 miles in three weeks, indicating he was working full time. My husband was aware that he was photographed, and served the photographer with a summons in Criminal Court on harassment. He told the court he was working part-time, also stated he was still living in his apartment. Judge Polier, stated that if he was maintaining his apartment, he must pay something for the child. Therefore, she granted a $16 per week temporary award.

I had to stop working to take care of the child, as I had no funds, and the court wasn't making my husband furnish any monies, and therefore, I could not afford to pay a sitter. I was making $80 per week net, with no health insurance or benefits from my employer. The great amount of this money was going for rent, and I had to borrow money for child care and car fare plus other essentials, while I was working. Even though I have the child we are not able to afford a telephone. Welfare can not pay the rent on my apartment, therefore, my child and I find ourselves in the same vicious cycle, that we have been going through for the past four years and four months. In spite of constant legal actions, court appearances, orders and judgments from both Supreme Court and Family Court, these actions didn't mean a thing, and wasn't worth the paper that they were written on. Although courts hand down orders and judgments, they do nothing to enforce them, instead they place women and children on Welfare. Is it any wonder that the Welfare rolls swell!

My Judgment from the Supreme Court states that my husband is responsible for all the child's Medical Bills, he has never paid any of them. During the four years and four months that we have been in the courts, he has only paid $1,600 towards the support of the child and myself. My husband is still in business, maintains a warehouse, stock, new car and the same apartment. His lifestyle has not changed since the onset of this action. It's been profitable for him to violate the court's mandate, since no penalties have ever been imposed upon him. Instead, I and my child have been exploited in that we have had to bear the burdens that are rightfully his.

This is an outrageous situation! A man of means represented by a Federal-Funded Organization to keep his wife and Child on Welfare, and the courts condone such action.

Although our Democratic government preaches Justice For All, equality under the law, my past experiences in Justice has only found Politics, Corruption, and no protection.

I have presented this case to you, so you may become aware of what is happening in our courts, and take whatever steps are necessary to stop this outrageous situation.

Yours truly,

Mrs. X.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 27, 1971.

Mr. JULE SUGARMAN,
Human Resources Administration,
Mr. JULE SUGARMAN,

DEAR JULE: I have received the original of the enclosed letter from Mrs. X, which describes what she believes to be an inequitable condition.

I have no personal knowledge of any of the circumstances which she describes. I do think that her complaints should be investigated because if she is correct and if she received the support and maintenance payments which she refers to from her husband, the Department of Social Service would surely be the gainer by being able to remove Mrs. X from the welfare rolls.

I would appreciate your advising me as to what, if anything, can be done in this matter.

I am not including the voluminous exhibits which she sent to me but they are available should you wish to have them.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF SOCIAL SERVICES,
HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., July 2, 1971.

Hon. EDWARD I. KOCH,
New, York, N.Y.

DEAR CONGRESSMAN KOCH: This is in reply to your communication and referral of a letter to Commissioner Jule M. Sugarman, from your constituent, Mrs. X of New York City. In her letter she complains of the failure of the court to order her estranged husband to provide full support for her and her six year old son so that she would no longer require public assistance.

Mrs. X is currently receiving a supplementary Aid to Dependent Children grant from the Yorkville Social Service Center. The Department has verified with the Manhattan Family Court that a support order is in effect against her husband and that another hearing is scheduled for July 18, 1971.

We agree with your statement that adequate support and maintenance payments from the husband would be beneficial to the Department in terms of removal of the family from the public assistance rolls. This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision.

I trust this information will be helpful to you.

Thank you for your interest.

Sincerely,

MAX WALDGEIR,
First Deputy Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1971.

Mr. JULE SUGARMAN,
Human Resources Administration,
New York, N.Y.

DEAR JULE: I have the letter of July 2, from Deputy Commissioner Waldgeir, in response to my letter to you of May 27th on the matter involving Mrs. X.

Mr. Waldgeir's letter says, and I quote him "This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision."

His statement is not, however, in accordance with the law. I refer you to the Social Welfare Law, Local Public Welfare, Article 30, Section 102, "Powers of public welfare officials to bring and defend suits," a copy of which I am enclosing.

If the Department of Social Services does not seek to recover payments due a welfare recipient by his or her spouse, pursuant to the regulation referred to above, the Department is, in my judgment, remiss. If the Department of Social Services has not done it before, may I suggest that Mrs. X's case is a good place to begin.

I would appreciate hearing from you on what the Department will do in this matter.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1971.

LOUIS J. LEFKOWITZ,
Attorney General,
State of New York, New York, N.Y.

DEAR LOUIS: I want to bring to your attention a matter involving a constituent, Mrs. X which I believe to be particularly distressing especially in light of recent scandals regarding walfare payments.

Rather than restate the case, I am enclosing Mrs. X's letter to me and my correspondence with the Legal Aid Society and the Human Resources Administration. You will note, however, that I have not received a reply from Jule Sugarman to my letter of July 23rd.

I would appreciate, subject to your regular rules and procedures in matters of this nature, your considering bringing an action on behalf of Mrs. X to recover unpaid support and maintenance as well as obtaining enforcement for future payments.

If you are successful, the City of New York will have a lien against back payments so recovered and will not be required to make the current payments of welfare to Mrs. X. I honestly think it an outrage that the Department of Social Services has not acted in this matter.

You will note that a similar letter has been sent to the Corporation Counsel, J. Lee Rankin. I trust that you will decide between yourselves as to who should undertake this action.

I would appreciate your advising me as to your decision whether or not to proceed. Please reply to my New York office.

I am not including the voluminous exhibits which Mrs. X sent to me but they are available should you wish to have them.

Sincerely,

EDWARD I. KOCH.

cc: J. Lee Rankin.

As of October 4, 1971, no response has been received from J. Lee Rankin.

DEPARTMENT OF SOCIAL SERVICES,
HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., September 24, 1971.

Hon. EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR ED: I have your letter with respect to Mrs. X.

You are quite correct that the Department has the authority "to compel any persons liable by law for support to contribute to the support of any person cared for at public expense . . ." However, in Mrs. X's case the issue has been litigated before the Family Court and the Family Court has rendered a judgment which may or may not be inadequate as far as Mrs. X is concerned, or as far as the Department's own standards are concerned.

While the Department was not a party to that litigation, it is highly unlikely that the Family Court, on the application of the Department, would revise its order absent a showing of change in circumstance. If such a change could be shown. Mrs. X herself could move before the Court for a modification of its order.

I hope you find this information helpful.

Sincerely,

JULE M. SUGARMAN,
Administrator/Commissioner.

NEW YORK, N.Y.,
September 28, 1971.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR ED: I have your letter of September 17th, concerning Mrs. X.

I am advised by counsel for the State Department of Social Services that under the Social Services Law (effective July 1, 1967), officials of the City of New York alone are authorized to undertake the legal action which you propose. See Social Services Law, §§ 2(14), 102, 103.

If I may be of assistance in any other way, please let me know.

Best wishes.

Sincerely,

LOUIS J. LEFKOWITZ,
Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1971.

JULE M. SUGARMAN,
Administrator/Commissioner,
Department of Social Services,
New York, N.Y.

DEAR JULE: I am glad that your letter of September 24th regarding the case of Mrs. X recognizes the Department of Social Services' authority to enforce a court order of support for an individual on welfare.

I remain distressed, however, at the DOSS' complacent inactivity in this case, and I am forced to wonder how many other support orders effecting people on welfare are not being pursued by your Department.

Over the past several years, court orders have directed varying amounts of support to Mr. X for his wife and child. Even now there is a court order outstanding directing some support by him. During this time, the DOSS has neither intervened to enforce the court orders, nor, according to Mrs. X, investigated her allegations that her husband earned a large income and should be providing her even greater support than the court ordered. DOSS would have the authority to seek a modification of the court order so as to prevent the misuse of public funds if Mrs. X's allegations were accurate.

If the present court order is not sufficient to remove Mrs. X and her child entirely from the welfare rolls, it would seem to me that the Department still has a responsibility both to the taxpayer and to Mrs. X to see that the court order is enforced. It is my understanding that Mr. X, in fact, is not now paying the support ordered.

It may well be that there are reasons in this particular case that complicate the judgment and the enforcement of the order. I have no personal knowledge of the relevant facts. However, the reluctance of DOSS to investigate the facts to determine whether the order should be enforced, or perhaps even increased, indicates a kind of lethargy that I imagine might be very costly to the taxpayers upon contemplation of the number of similar support cases that no doubt exist. It is my belief that DOSS could act in either of these ways for the woman is on welfare and the husband still has a legal obligation for support (although separated they are still legally married).

Therefore, I am calling upon you to have this case investigated further to see to it that public funds are protected.

Also, I would like to know how many unenforced support orders there are outstanding that effect women and children on welfare? If you do not know this information, shouldn't you, and would not an investigation of this subject be in order?

Please reply to my New York Office.

Sincerely,

EDWARD I. KOCH.

THE TAX BILL SHOULD BE DEFEATED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, tomorrow, the House of Representatives will begin consideration on the Revenue Act of 1971. This bill is misnamed. It should really be titled the Revenue Give-Away Act of 1971.

It has been a great year for giving away the public's tax money. First there came the Penn Central guarantee and the Lockheed loan. Then followed the President's personal generosity in the Asset Depreciation Range which will cost the Treasury over $30 billion in the next decade.

In this tax bill, we have the 7-percent investment credit which will cost the taxpayers over $50 billion in Treasury loss in the next decade. It is designed to increase corporate profits by about 20 to 25 percent.

If we apply the principle of cost-benefit ratio, we are getting a very bad bargain in the investment credit gimmick. Almost 80 percent of the Treasury loss will result from normal purchases. Three quarters of the tax credit will be given for purchases which would have been made without it. It is an 80-percent giveaway and 20-percent incentive. If the credit were given for purchases which exceed those of a base period—for the increment of purchases in a taxable year—the legislation would have five times the incentive power. Unfortunately, the Ways and Means Committee rejected this approach when I offered the proposal as an amendment.

Pierre A. Rinfret, a private economist high in the esteem of President Nixon, recommended that the business taxpayer be permitted to elect between using the asset depreciation range or the investment credit. This proposal would have spared the Treasury from billions in revenue loss.

In the Ways and Means Committee, I offered an amendment to the bill which would have included this recommendation as an alternative for 1 year, with a termination of the asset depreciation range after 1971. My amendment further provided that the revenue saved would be used to provide a full accelera-

tion of individual tax benefits to make them effective for 1971. This provision would have increased exemptions to $750 and the standard deduction to 15 percent or $2,000 for calendar year 1971. This plan, which would cost no more in revenues, would have given each taxpayer a January refund which would have gone immediately into the marketplace for increased purchases, production, and employment. This tax stimulus would have gone to almost 80 million taxpaying Americans. For taxpayers, a $200 refund would constitute a downpayment on a $2,000 purchase. The consumer is anxious to buy—at the right price—if he has the resources. In wide areas of consumer goods, the American domestic market is considerably underdeveloped.

The individual tax relief provided under this bill is as inconsequential to the taxpayer as it is to the economy. What can the average taxpayer with 3 dependents and earnings of $9,000 per year do with 7 cents per day in 1971 and 24 cents more per day in 1972?

Sixty million taxpayers, earning less than $10,000, representing over 150 million American citizens, have no meaningful part in this program. The American consumer stands like an idle dynamo—there is no incentive for him to contribute to the economy of recovery.

This economic game plan may provide a "little action" for 1972, but it does not have the hallmark of a long range solution to our problems of unemployment, inflation, and underutilization of our productive system.

The economic plan is submitted in ill-advised haste. The business sector is taking advantage of the misery of the moment to avoid its fair share contribution to the costs of Government in a free enterprise system.

This bill should be defeated.

THE VIETNAMESE PRESIDENTIAL ELECTION

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, the rigged South Vietnamese presidential election is over. The fact that there was an 87 percent turnout is of no significance. People turned out because they had to—had to because their election cards have to be stamped to qualify them for food allotments—had to because of army and police harassment of those who did not vote.

What is significant for us as Members of Congress is our continuing failure to fulfill our responsibility to respond to our constituents and to be fully informed as to the critical role of the U.S. Government in that election.

It was clear from the beginning that there was not going to be a fair and impartial election—one candidate does not a contest make. President Nixon had indicated that the desire to assure a fair and impartial election was our only reason for remaining in Vietnam after the American people had demonstrated overwhelmingly their desire to withdraw by a date certain, but President Thieu made a mockery both of democracy and of the Nixon rationale.

Though the nature of the election was clear, the House's knowledge of American involvement in it was not. When it was afforded the opportunity to seek such knowledge through my resolution of inquiry—House Resolution 595—the House indicated that it did not even wish to be informed about the election.

The resolution, introduced on September 14, called for the communications between the State Department and the Embassy in Saigon and between the Embassy and Messrs. Thieu, Ky, and Minh regarding the forthcoming election. It was referred to the Committee on Foreign Affairs, which requested the views of the State Department. The Department replied by letter on September 22, stating that they recommended against passage of the resolution and would brief interested Members of Congress instead.

We followed the course of action suggested by the State Department. We arranged for a briefing to be conducted by the desk officer who receives all the communications from Saigon and sees all the communications from the State Department to Saigon and whom the State Department insisted would be authorized to provide Members of Congress with the information they needed. The briefing was held on Tuesday, September 28.

The State Department claimed that such a briefing would inform Members of Congress—presumably to a decree sufficient to satisfy our responsibilities to our constituents. Were that so, the representatives of the State Department should have come prepared and authorized to so inform us. Unfortunately they did not. They did not give us either the communications or the content of such communications. They would not give us any more information that we had already received through the media, except for some quotes from Mr. Nixon's press conferences and some of their own general observations and opinions.

The Resolution of Inquiry came to the floor this past Thursday. The Chairman of the Foreign Affairs Committee did not observe the usual practice of waiting until the 1-minute speeches were completed. He instead moved to table the resolution before I could even get to the floor to debate it, thus providing another sorry example of the failure of this body to seek information which its Members need to act in the interests of their constituents.

The election is over. We did not press the State Department for information as to the U.S. role in it. It is now incumbent upon us to deal with the facts as they exist.

The people of Vietnam are never going to get a stable, democratic government from a corrupt, self-appointed, dictatorial regime.

The North Vietnamese have offered to release the prisoners upon our setting a date certain and withdrawing our troops, but Congress and the President have thus far failed to act on this proposal.

Instead of winding down the war, the President has resumed bombing of the North on a scale rivaling that of early 1968. There have also been statements from the executive branch to the effect that we will keep between 50,000 and 75,000 troops in Vietnam even after "withdrawal." If this is indeed the case, then the administration's use of the word "withdrawal" is a barefaced lie.

We are now confronted with a most serious responsibility. Are we at last going to respond to the more than three-quarters of the American people who have asked that we set a date certain for withdrawal? The answer must be "yes."

There is now pending in the other body a defense procurement authorization bill already passed by the House. Attached to that bill is the Mansfield amendment, which provides for a withdrawal from Vietnam by setting a date within 6 months of the date the bill is enacted into law. That bill will soon be going to conference.

It is incumbent upon us to instruct our conferees to accept the Mansfield amendment to the defense procurement bill.

It is incumbent upon us to make certain that the conference report comes back to us with a date certain in it.

I hope and expect that the leaders of this House will support this course of action, for I have been shocked at their continuing support for administration war policy.

Mr. Speaker, there is no longer any choice. We must set a date.

OUR U.S. NAVAL STATION AT CAYO HUESO

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the first U.S. naval station at Key West, Fla., was erected in 1823. Since that time the naval installation has been a center of naval operations for four major wars plus the Cuban missile crisis. In addition, it has survived the Navy's transition from sail to steam, coal to oil, and oil to nuclear power.

Don Groves, a U.S. Naval Reserve officer and professional staff member of the National Academy of Sciences—National Research Council in Materials Science and Engineering, has written a comprehensive history of the naval station at Key West. His article entitled "Our U.S. Naval Station at Cayo Hueso," appeared in the August 1971 Naval Engineers Journal.

As Mr. Groves points out, there has been a gradual reduction in forces at the Key West station during the past several years. This has occurred in spite of the growing evidence revealed in hearings before the Inter-American Affairs Subcommittee, which I chair, of increased Soviet activity in Cuba and the Caribbean.

During these hearings, Adm. E. P. Holmes, who at that time was com-

mander in chief of the Atlantic Command, stated—

The Southern flank of the U.S. is perhaps one of the most vulnerable. Missile capable naval units, either of the surface or submarine type, operating from bases directly and closely to the south of this flank, is a practical consideration that cannot be contemplated with equinimity . . . . I would like, in discharging my responsibilities, to be assured, in any case, that within not more than 24 hours I could operate out of, say, Boca Chica . . . I think it is absolutely essential to our security to have this capability . . . A reduction of military capability in this whole area in the face of [the Soviet presence] strikes me as folly.

Mr. Groves urges the continuation of military activity at Key West. I add my strong support not only for the continuation of military activity there, but for the strengthening of our defense capabilities at Key West, and call to the attention of our colleagues Mr. Groves' article:

OUR U.S. NAVAL STATION AT CAYO HUESO

(By Don Groves)

(NOTE.—The author was educated at Syracuse University (BS and MS degrees) and other Universities including the Universidad De Santo Domingo (Dominican Republic) where he spent a year while on a U.S. Government Fellowship award for Independent (Ph.D. level) Research. He is a U.S. Naval Reserve (Research) officer and served on active duty in various engineering billets during World War II and again on recall during the Korean conflict. His civilian employment experience has included work in both electrical and mechanical design, systems design in Ocean Engineering and, for the past 9 years, as a professional staff member of the National Academy of Sciences-National Research Council in Materials Science & Engineering. Groves is the author of a book on Ocean Science & Underseas Technology and has had over 100 articles of his published in various national and international technical journals and general magazines. Several of these articles have been reprinted in the U.S. Congressional Record and other publications. A member of several scientific and technical societies, i.e., The American Society of Naval Engineers, the International Oceanographic Foundation, and the U.S. Naval Institute—Don Groves is also a Fellow of the Washington Academy of Sciences, an honorary citizen of Key West, Florida, a listed member of the American Men of Science, Who's Who in the South and Southwest, U.S., Two Thousand Men of Achievement—1970, Community Leaders of America, the National Social Directory, and the Dictionary of International Biography.)

Breathes there a Navy man alive today with a soul so dead who never to himself has said, "I'd sure like a tour of duty at Key West before I retire."

And all things considered this is quite an understandable desire. For Key West, or Cayo Hueso, if you prefer to use the original Spanish name of the place, is a very unique speck of U.S. real estate. Key West is really only like Key West! Located at the sun-washed southernmost continental tip of our country and only some 90 miles from Havana, Cuba, it is one of the most interesting little cities on an island anywhere. Moreover, rich in its colorful history, Key West seems to have the ability of recreating more of the historic past of our Navy than any other area in the world. Today, such a "past is prologue" review may not be too inappropriate for all of us to reexamine.

Key West has been a front-ranking center of Naval operations for four major wars plus the Cuban crisis. Moreover, the Naval station there has witnessed, first hand, the Navy's transition from sail to steam, coal to oil, and oil to nuclear power. The station, too, has served as a localized private hunting center, a deciding factor in the outcome of our Civil War, a three-dimensional global warfare base, and a strategic Naval operational readiness base of today's most recent world. Hopefully, the Navy has learned much from all these times.

Certainly the past and present permanent residents of Key West, during the past 50 years especially, have had the opportunity to learn at least one kind of lesson along the way. They have also discovered, like some of the rest of us, that the extent of such Naval activities anywhere depends upon our national concepts of Seapower—an item that appears to be always destined to change. In Key West the implementation to our early ideas of Seapower was one of the main foundations for the very existence of the city. This kind of a crucial building block, and some others (which in most cities are immutable) have been also pulled out from under Key West several times. As a result Key West and its Naval station, perhaps, have changed more radically on many occasions than any other American city or U.S. Naval activity. They may again—like our seapower concepts—be revised still further in the near future.

But what are some highlights of this particular story?

Actually, the area was settled by men whose business it was to use our infant nation's Seapower to fight pirates. For, as early as Ponce de Leon's historic voyage along the Florida Keys in 1513, the good natural harbors of the Florida Keys had become a base for pirates. And, in 1818, when the United States negotiated a treaty with Spain for the purchase ($5,000,000) of Florida, these seagoing bandits, armed with fast and effective ships, were still, carrying on their operations from their favorite hunting grounds—the Florida Keys.

Three years after the U.S. purchase of Florida a man by the name of John Simonton paid Juan Pablo Solas a Spanish artillery officer, $3,000 for the island of Key West. Simonton, in turn, sold parts of his property to others and a small settlement was started in 1822. Most of these first settlers were merchants and tradesman—carpenters, coopers, sailmakers, blacksmiths—all of the type so necessary to the sailing ships of the day. That same year, 1822, Lt. M. C. Perry, skipper of the U.S. Navy schooner, *Shark*, received orders from Secretary of the Navy, Smith Thompson. These orders read—". . . should you find the Island (Key West) situated as it is described, and it shall be in your judgment necessary, you are authorized to take possession of it in the name of the United States . . ." On the 25th. of March 1822 the Lieutenant did just that. In a ceremony witnessed by the owners and residents of the Island, he raised the U.S. flag over Key West proclaiming sovereignty "over this and all the adjacent islands." Moreover, Mr. Perry, it appears was not without some good 19th century "P.R." abilities, for he named the island "Thompson's Island" in honor of his boss. He also called the Harbor "Port Rodgers" after another boss of his—Commodore Rodgers, President of the Navy Board. A little over a year later, on 3 April 1823, Commodore David Sydney Porter was ordered to Key West by Secretary Thompson: ". . . you will establish at Thompson's Island, usually called Key West, a deposit, and land ordnance and Marines to protect the stores and provisions . . ."

Commodore Porter had already achieved considerable fame by his brilliant actions during the War of 1812 when he took the *Essex* into the Pacific to cripple the British whaling industry. Just prior to coming to Key West this colorful and remarkable man had been appointed head of the West Indian Squadron of the Navy "for the purpose of repressing piracy and to afford effectual protection to the citizens and commerce of the U.S.

Within two weeks from the time Porter arrived in Key West he wrote Secretary Thompson: ". . . we have built our storehouses on Thompson's Island for our stores . . ." Thus, in 1923, the first Naval station in Key West came into being.

Porter soon discovered that his deepwater ships just could not pursue the shallow draft pirate ships over the reefs and shallow flats of the Keys. So, in making up his own "task force," he first brought the *Sea Gull*, an old New York steam ferry boat, down to Key West to tow five twenty-oared barges he had built. Incidentally, the *Sea Gull* was the first steam-propelled vessel ever used in the U.S. for Naval purposes. Porter also detached his large useless frigates and replaced them with eight small light schooners.

Then, with this fleet at Key West, Porter relentessly pursued the pirates through the dangerous reefs where he finally captured or destroyed most of them during a rendezvous at the Isle of Pine in Cuba. Some escaped, however, and put in at the Spanish port at Fajardo, Puerto Rico. Unfortunately for Porter (a man whose foster son, David Glasgow Farragut, and his own son, David Dixon Porter, were to become, respectively the first and second admirals in the U.S. Navy,) his zealous pursuit of the pirates to another country's territorial waters, plus the effective punitive expedition he conducted ashore there, led to international complications. For, after Porter's decisive victories, Spain apologized and Porter (after being court martialed) resigned and entered the service of the Mexican Navy and, later, the Turkish Navy. Interestingly, while in this latter role, the U. S. appointed him a consular agent of the U. S. in Turkey where he died in 1843.

After Porter's virtual elimination of the pirate menace, Lieutenant William Farragut, in 1926, was put in charge of the disposal of the buildings on the Naval station and the dispersal of its personnel to Pensacola. With this move, both the civilian and military destiny of Key West, which had flourished with government patronage, became immediately unclear.

However, in 1828, the city of Key West (with from 300–500 inhabitants) was incorporated and, shortly thereafter, in 1830 a profitable industry of salt production was started. The city also soon became a growing seaport with commercial ties with New York, Charleston, Mobile, New Orleans, Cuba, Mexico, New Orleans, Cuba, Mexico, and Europe. This trade had a rather perverse kind of beneficial effect on the economy of Key West.

The dangerous reefs, uncharted waters and frequent storms were the cause of wreckage of many ships on the Florida Keys. Using this to advantage, the residents of Key West made their city a wrecking industry center for the sale of salvaged goods—laces, silks, wines, silverware, and everything else that the commerce of the world of that era afforded. Actually, the reclamation and auctions of such goods were held in Key West until steam replaced sail and until a system of reef lights was started in 1852. From that time, the industry greatly diminished.

Speaking of installations, Army fortifications and barracks were first constructed in the area in 1831. These proved valuable in the long and bloody Seminole Indian Wars that followed. Although, at one point during these conflicts, the USS *Constellation* was

brought into Key West to augment the Army and the civilian militia forces organized to fight the Indians, there was no regularly established Naval station from 1826 to 1853. During these Indian wars several expeditions, however, were fitted out in Key West with seamen from the West Indian squadron, and the U.S. Schooner, *Flirt*, was provided there on a regular basis.

It was during this period, and specifically in 1844 and 1845, that the construction of Fort Zachary Taylor in the western part of Key West, and Fort Jefferson in the Tortugas was begun by the Army Corps of Engineers. Also, at the time, a contract was signed with John W. Simonton for the sale of more than three acres of land to be allocated for a Marine Hospital. Simonton agreed to build and furnish the hospital and the architect he employed was Robert Mills, a protege of Thomas Jefferson and the designer of the Washington Monument. This building remained as a hospital until 1943 when it was converted to quarters which are now being occupied by Naval officers and their families.

The first decade of work on Army and Navy installations in Key West brought a rapid increase to the population of the city. The 600 residents of 1840 increased to over 2,000 by 1850, with many of the newcomers being Yankee skippers from New England. There were also large migrations of people to Key West from the Bahamas who were called "Conchs."

In 1649 the English ancestors of these conchs formed in London a company known as the "Eleutheran Adventurers" and founded a colony on the island near the Bahamas which they named Eleuthera, where "every man might enjoy his own opinion without control or question."

With such residents of Key West, the first permanent Naval station building was begun there in 1852 when $20,000 was allotted for a warehouse and coaling station. The walls for the buildings were put up but construction was halted for lack of money until the beginning of the Civil War when the work was completed.

At the outbreak of the Civil War, Florida ceded from the Union (in January 1861). When this first happened, Federal forces immediately occupied the roofless Building I and other unfinished fortifications of the Naval station. Their possession and the subsequent strengthening of the station made Key West a Union stronghold throughout the war and demonstrated the importance of the city as a Naval base. Actually, Key West was the only Union-held port in the South during the Civil War, and during this time there were more vessels in this port than in any of the United States. Moreover, there were 299 captured blockade runners brought to Key West carrying thousands of tons of supplies for the beleagured South. This was a most deciding factor in the outcome of the war. In a word, but for Key West's occupancy by the Northern forces and its use as a Naval base, the result of the war might have been quite different.

Upon termination of the Civil War, the Naval station was essentially discontinued but still used as a coal depot and supply station. By 1864 there was only a machine shop force of 80 and Acting RAdm. Stribling was then ordered to send home all except 15 ships from Key West and to reduce expenses of every kind accordingly. In 1865 after Appomattox, these 15 vessels were also deployed to various other bases. But in 1873, when the capture of the *Virginia* threatened war with Spain, nearly every available ship in the Navy was hurried to Key West. After that transient crisis and right up to the time of the Spanish American War, the Navy always kept one or more ships in Key West. However, the Naval station, one of the then proven most important points in the whole defensive system of the U.S., was dormant for about 30 years after the Civil War as far as any construction progress—except for a time, in 1881, when a Naval wharf in the harbor was rebuilt. This work was headed by Lieutenant Robert E. Peary, the subsequent discoverer of the North Pole.

However, even without U.S. Government support, several interesting economic developments in Key West took place during this 30-year period. A telegraph line to Cuba was established shortly after the Civil War, and both public and private school systems were founded at the time. Moreover, the revolution that broke out in Cuba in 1863 caused thousands of Cubans to leave their homeland to come to Key West. The first cigar factory had been established in Key West years before and Cuban manufacturers continued to flock to the island. The industry developed rapidly until by 1890 it employed 10,000 workers with an output of something over one hundred million cigars. Although the majority of these Cuban emigrants were cigar makers, numbers of them also became engaged in commercial sponging and fishing. The sponge industry grew to such proportions that the Keys provided 98 percent of the United States catch, and Key West employed approximately 1,000 persons. The fishing industry supplied a large market in this country and also developed an extensive trade with Havana. A population that numbered about 2,500 in 1860 exceeded 10,000 by 1880, and a decade later was more than 18,000. Key West was then the foremost city in Florida.

At the time it was also a hotbed of sentiment for the cause of Cuban independence, and using it as a base for revolutionary movements, Cuban patriots organized revolutionary juntas, collected funds, and recruited armed expeditions. It was from such a spot that the battleship *Maine* sailed in January 1898 enroute to Havana. Here are some of the entries in the Key West Naval Station log as they concerned that voyage:

"Tuesday 18th, 1898: Fresh breezes and fair weather . . . Sent by lighter to the USS *Maine* 230 tons of anthracite coal at 8: a.m.

"Wednesday 19th: Fresh breezes and fair weather . . . delivered more coal to USS *Maine*.

"Sunday 23rd: USS *Maine, Detroit, Montgomery,* also Torpedo Boats *Dupont* and *Cushing* left port at 10:30 a.m."

The destination was Havana, via Fort Jefferson.

And so, from the station's log for February 16:

"At 2:45 a.m. telegram was received by Commandant (Commander, later Rear Admiral James McQueen Forsyth, USN) of the accident to USS *Maine* at Havana, Comdt. immediately sent Lighthouse Tender Mangrove to Havana at 3: a.m. and USS *Fern* at 5:15 a.m."

For the next two weeks, many of the *Maine's* victims, the injured, and the dead were brought to Key West. Sentiment in Key West and in the U.S. over the *Maine,* and what was thought to be Spain's part in the tragedy, culminated in a war between Spain and the United States. On April 23 of that year, the first shot of this Spanish-American War was fired in full view of spectators along Key West's shore. The USS *Nashville* fired a shot across the bow of the Spanish steamer *Buena Ventura.* Her captain, unaware of the newly declared war, raised the Spanish flag and was promptly taken prisoner, and his ship, the war's first prize, was brought into Key West. All during this Spanish-American War, which lasted but ninety days, Key West's importance as a military and Naval base became evident. Actually, it became the most important in the nation and, at one time during the conflict, our entire Atlantic Fleet was based here.

But, after the Spanish-American War, the Naval station again was for all practical purposes abandoned and for many years remained almost inoperable. Once again, the city of Key West rolled with the punches given to its Naval station. Fortunately, the sting of these economic blows was softened greatly by the actions of a man by the name of Henry M. Flagler. Flagler had a dream—a dream of connecting Key West to the mainland by railway—and, in 1905, he announced his intention of making that dream a reality. Seven years later the tremendous engineering feat was accomplished. The railroad brought very prosperous years to Key West. Tourists flocked to the city. Loaded freight cars were run onto ferry boats and thus shipped to Cuba. This means of rapid transportation swelled not only commerce but gave an added impetus to the fishing industry. Besides fish, carloads of tomatoes and limes were shipped to northern markets.

When World War I broke out in Europe in 1914, activity to reactivate and rehabilitate the Naval station started immediately. The building program was speeded up in 1917, and numerous buildings and shops were constructed and activated to enable the Naval station to support the destroyers, submarines, converted yachts, and many other vessels based here during the war. Ground was also broken for the first Air Station facility on July 13, 1917.

Certainly, World War I again added to Key West's claim to fame as a Naval base location, and during the war the economy of the island grew and flourished. In addition to the many surface ships, planes, dirigibles, and observation balloons that were stationed there to forestall enemy attempts at procuring oil from Mexico during the war, the Army Reservation hummed with activity, and a Coast Guard headquarters was established. But while some merchants and Key West citizens in general were still benefitting from Federal agencies right after the war, the cigar and sponge industries declined rapidly. Cigar factories moved to Tampa where they were offered concessions and a stable water supply. Moreover, the maritime trade of Key West—which had always depended considerably on its maritime trade not as a point of origin but as a stopover port for supplies and fuel—also began to suffer a serious setback soon after the war. Ships now had a greater operating radius and they no longer put in at Key West.

Finally, in 1920, the Federal money "honeymoon" was concluded. After 90 years of operation, the Army abandoned Key West as a regimental post leaving only a force of 40 men; the Coast Guard which had maintained a district headquarters in the city moved to St. Petersburg; and the Naval activities diminished rapidly till, in 1932, the Seventh Naval District Headquarters at Key West were moved to Charleston and the Naval station placed on the inactive list.

The only occupancy of the Naval station from 1932 to 1939 was a Navy Radio station with a complement of 17 men. Its commanding officer, a Lieutenant Commander, was senior officer of the station during those years when the station's maintenance and upkeep was done by WPA workers.

This loss of a military annual payroll of more than a million dollars, plus other economic factors in conjunction with the collapse of the Florida boom, and the world depression, really served to wreck Key West. Once the most prosperous city in Florida, enjoying a flourishing commercial and social life, it saw the number of its citizens decline in a few decades from 25,000 to 10,000. Faced with an overpopulation for which there was insufficient economic basis, a very serious suggestion was made to the Governor of Florida that the city be abandoned,

left as a ghost town, and the remaining population moved to the Florida mainland.

Instead, Key West chose to ride out the financial storm, primarily with the help of the Florida Emergency Relief Administration. It literally also rode out another storm, a hurricane on Labor Day of 1935 which swept away a good deal of the railroad in the Upper Keys leaving the city isolated. However, somehow with the aid of the WPA, the FERA, and a little fishing industry, the city survived. This survival was aided greatly when, in 1938, an overseas highway was opened permitting automobile traffic to operate on the old roadbed of the destroyed railroad.

On September 11, 1939, the Naval station area was closed to all visitors, and on November 1, Cdr Granville B. Hoey arrived in Key West to reactivate the base. At that time there were 40 buildings standing on the station but hardly any worth saving.

During the war years, the Naval Base spent $31,384,538.00 on new construction alone. At times during World War II, there were as many as 15,000 Navy personnel on shore leave at one time and the Naval station provided the city with a weekly payroll of $75,000.

Actual work on an Air Station at Key West began in March of 1940. When the Naval Operating Base was re-established on September 25, 1941, the Naval Air Station was officially a part of it, remaining there until May 1942. That year NAS was removed from Naval Operating Base control and assigned to Chief of Naval Air Operational Training Command. In October 1943, NAS once more was an activity of NOB, for fleet use under the Commandant, Seventh Naval District. In February 1945, the Naval Air Auxiliary Air Station and Boca Chica were redesignated as the U.S. Naval Air Station, Boca Chica, and separated from the Naval Air Station, Key West Seaplane Base. In March all Air facilities were combined and designated as U.S. Naval Air Station, the present status. Incidentally, during the six years (1940–1946), much of the 350 acres acquired outside Key West became the Naval Air Station, plus additional acquisitions, which included the Seaplane Base (101.4 acres), Meacham Field, for lighter-than-air (362) acres, and Boca Chica Field of 1761.9 acres for land planes.

At the close of World War II, the NAS at Key West was not phased down as much as other Key West facilities. Instead, because of the perfect flying weather and isolation from dense air traffic, it was developed for training and experimental purposes. However, on April 1, 1946, the Naval Station was disestablished and in its stead the Naval Submarine Base was established. Again, on April 1, 1948, the Naval Submarine Base was disestablished and the Naval Base was established under Flag rank.

By 1958 the Naval Station itself had 48 officers, 232 enlisted men, and 1,250 civilian personnel in full-scale performance. By 1959 the count was almost the same with a decrease of civilian employees of only 50. During that year, three new barracks were built to house the Fleet Sonar School and the Naval Station personnel. This building program increased for the next three years and by 1962 some 500 Capehart housing units were constructed, 896 Wherry housing units renovated, a new Fleet sonar physical plant built, and the construction of a new Naval Station galley with facilities for feeding 1,000 men was begun. On November 26th of that year, President Kennedy and the Joint Chiefs of Staff met at the Naval Station to discuss and make decisions about the Cuban crisis. Some departments almost doubled and others trebled their work load. Adjacent waters swarmed with ships and the Army units were moved into the area, notably the Sixth Missile Battalion. There were tense days and, as so often happened before, Key West was cast in the role of "The Gibraltar of the Gulf."

In 1964 there was an increase of 147 civilian employees. The widening and deepening of the main ship channel and inner harbor were begun, and by December eighty-two percent of the project was dredged. Two new buildings for enlisted men's barracks were begun that year and a contract was let for a new group of piers. Other miscellaneous construction, installation and renovation programs for both the Naval Station and Air Station continued until 1967. At this point a total of 262 ships visited the area during the year (1966) and some 19 ships were homeported in Key West. At this point, there were some 1,350 civilians employed by the Navy in Key West.

Then, in 1967, things started to change—the commissioning of the Public Works Center was postponed indefinitely; the Naval Station power plant caught fire in March resulting in damage of $281,000; and the Board of Civil Service Examiners at the Naval Station, which had been established during World War II, was closed on May 1st and their functions transferred to Orlando. There was also a reduction in the number of civilian employees that year due to funding shortages and a revised ceiling plan.

On May 20, 1968, Ship Repair Department began its phasing-out process and was reduced to Dry Docking force of 54 civilian workers and total staffing of the Naval Station was considerably reduced. This was but a forerunner of things yet to come.

With the mission of the Naval Station "to provide as appropriate, logistic support for the operating forces of the Navy, and for dependent activities and other commands as assigned," on 1 January 1969, the Station had a total allowance of 1,130 civilian positions. This allowance was reduced to 833 by 1 January 1970 and some of the activities supported by the Station in 1970 were phased out and others transferred from the area. For example, the following activities were tenants of the Naval Station during the period of 1 January 1969 through 1 January 1970: Commander Naval Base; Submarine Squadron TWELVE: Underwater Swimmers School; Resident Officer in Charge of Construction; Navy Branch Publications and Printing Office; Naval Communications Station; Navy Finance Office; Marine Barracks; Key West Test and Evaluation Detachment; Fleet Sonar School; Field Electronics Engineering Office; Destroyer Division 601; Navy Commissary Store; Naval Ordnance Unit (disestablished 1 March 1970); Advance Undersea Weapons School (phased out and transferred to Orlando, Florida in December 1969); and the Navy Courier Service, Detachment ECHO.

The Naval Station at this time also provided logistic support for the following activities: General Services Administration: Department of the Interior (Miami); 6947th Air Force Security Squadron; 671st Radar Squadron; Detachment 3, 32nd Air Division (until phase-down in December 1969); Coast Guard Base; 3rd Army Headquarters; 3rd Army Recruiting District; Army Communications Service Group; and Naval Security Group, Homestead AFB, Florida.

In January 1971, the Secretary of Defense has been quoted as saying that it has been indicated that throughout the Navy it may be necessary to further reduce some installations and completely eliminate others. Of course, even though the current unofficial rumors are rife that Key West will no doubt be further reduced, or perhaps even eliminated, one should not speculate in any detail on such possibilities until a particular base closing or reductions are announced at the Cabinet level.

However, it is not at all irresponsible or in bad form to postulate at this time that Key West—our traditional "Gibraltar of the Gulf"—will and must be given a real hard planning look in conformance with our present and projected national economic policies and our future ideas of Seapower. Will the city whose resident population has recently decreased by over 3,000, and whose present business picture depends at least fifty percent on the military and dependent payroll and the civilian work force of the Naval Base, be able to survive if the cutbacks continue? Will we be able to effectively reactivate this next-to-Cuba Base in time when and if it is needed if we close it now? Answers to these and all the other various questions posed by the pending situation, which are so tied into our security, are being considered by the Congress and the Navy. We hope for the continuation of activity at this base, which is owed so very much by the American people, for its past contributions to our Navy.

ABOUT 180,000 WORKING WOMEN SUPPORT EQUAL RIGHTS AMENDMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the House will be debating the equal rights amendment, House Joint Resolution 208 by Representative MARTHA GRIFFITHS, on Thursday, October 7, 1971, I would like to call to the attention of my colleagues a communication which I have received from Osta Underwood, the national president of the Business and Professional Women's Clubs, Inc.

As this correspondence indicates, at a recent convention 180,000 working women who belong to this organization in every State of the Union voted unanimously to support House Joint Resolution 208 in its original form and to oppose the "Wiggins Amendment."

In the belief that this letter will be of interest to my colleagues, I insert it in the RECORD at this point:

BUSINESS AND PROFESSIONAL
WOMEN'S CLUBS, INC.,
Washington, D.C., September 15, 1971.

DEAR CONGRESSMAN: As National President of The National Federation of Business and Professional Women's Clubs, Inc., I have been directed by our National Convention assembled in Cleveland, Ohio, on July 29, 1971, to request you to vote for the Equal Rights Amendment, H.J. Res. 208, without amendments.

The delegates to this convention, representing nearly 180,000 working women in every one of the 50 states plus the District of Columbia, Puerto Rico, and the Virgin Islands, were unanimous in their support of H.J. Res. 208 in its original form.

It is our sincere hope that you will see the Wiggins amendments to H.J. Res. 208 for what they are—an attempt to give women less than a full share in the rights and responsibilities now enjoyed by men under the U.S. Constitution. The amendments exempting women from the draft and providing for the "health and safety of the people" were offered under the guise of "protecting" women. In actual fact, they restrict women by denying them opportunities and benefits now available to men.

True equality under the law for all people, regardless of sex, is long overdue. We strongly urge that you do your part to make women first class citizens of the United States of

America by voting for H.J. Res. 208 without amendments.

Sincerely,

OSTA UNDERWOOD,
National President.

LIZ CARPENTER SEEKS PASSAGE OF EQUAL RIGHTS AMENDMENT WITHOUT WIGGINS AMENDMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the debate on the equal rights amendment will be taking place next week, I would like to call to the attention of all my colleagues on both sides of the aisle a letter I have received from Liz Carpenter, Lady Bird Johnson's White House press secretary, who has been doing a great deal of traveling in connection with her bestselling book.

In urging passage of the equal rights amendment without the Wiggins amendment, Mrs. Carpenter stresses that women would prefer equal pay and equal rights to so-called protective laws, which actually discriminate against them.

I insert this letter in the RECORD, because I believe it will be of great interest to my colleagues:

WASHINGTON, D.C.,
September 23, 1971.

DEAR CONGRESSMAN: As you know, through the years women have been stepped upon, wept upon and slept upon. Still we find something in men to love—and I will be glad to say this again to every one of you after the Equal Rights Amendment is passed *without* crippling amendments.

As you know, this issue has been with us since 1920, when women were given the vote. It would have passed by now except for being fogged up by the phony issue of "protective" legislation for women.

It is high time men recognized that some "protective" laws treat women like idiots, and others keep women out of jobs where they'd lift no more than a three-year-old child does.

Don't be fooled by the bugaboos raised by the Amendment's opponents. Women will gladly trade protective laws for some equal pay and equal rights.

I hope very much that you will give this your real support. I have traveled 100,000 miles this past year, and one thing is clear—women are ready for it, the country is ready for it. Won't you be with it?

Sincerely,

LIZ CARPENTER.

UAW CHARGES WIGGINS AMENDMENT WOULD PERPETUATE DISCRIMINATION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the House will soon be debating the equal rights amendment, House Joint Resolution 208 by Representative MARTHA GRIFFITHS, I would like to call to the attention of all of my colleagues on both sides of the aisle a communication which has been sent to the Members of the 92d Congress by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America.

This correspondence and an attached article from McCall's magazine discuss the discriminatory effects of the so-called State protection laws. Because it believes that the Wiggins amendment would "eviscerate the equal rights amendment" and give these discriminatory State laws an extended lease on life, the UAW urges that the equal rights amendment be passed without the crippling Wiggins amendment.

I insert this eloquent and thoughtful letter in the RECORD, because I believe it will be of great interest to my colleagues:

SEPTEMBER 20, 1971.

DEAR MEMBER OF CONGRESS: I write to call your attention to what we in the UAW believe is a serious degree of deliberately created confusion over the Equal Rights Amendment, particularly with respect to the effects its passage would have on what are called the state protective laws for women.

The confusion is twofold: one, there is the erroneous contention that the protective laws of the states are truly and unequivocally protective of women. On the contrary, those laws are discriminatory, either offering benefits to women which should be extended to men as well, or depriving women of rights which should be extended to women as well as men.

The second source of confusion is the erroneous implication, if not outright assertion, that the so-called "protective" laws are threatened not because they are discriminatory and outmoded, but because a small band of "militant" middle-class professional women are out to dismantle such legislation through passage of Joint Resolution H.J. Res. 208.

The truth is that upwards of 45 percent of the complaints brought under Title VII of the Civil Rights Act of 1964 have had to do with sex discrimination under state laws. Because the Equal Employment Opportunity Commission lacks strong enforcement powers, it took several years of litigation to produce a pattern of judicial decisions. Almost unanimously, the decisions have gone against the state laws, and have upheld the principle of equal treatment of the sexes, which is the whole point of ERA.

What is more, not professional, middle-class women but women who work for wages brought most of those suits, or had the most suits filed in their behalf.

The amendments advanced by Rep. Wiggins were floated and remain afloat on the confusions described. Those amendments would eviscerate the ERA, thereby giving the discriminatory state laws a somewhat longer lease on life. Failure to pass ERA without the crippling Wiggins amendments would sentence working women and the unions willing to support them to a long, expensive struggle in the courts; and in the end their success would be incomplete, because the reach of Title II does not by far extend to all employers.

My plea and that of the UAW to you and other members of the Congress is to set emotion aside and to make your judgment on a realistic appraisal (1) of the situation of working women, and (2) of the improvement of that situation that would be effected through passage of ERA without weakening amendments.

The day of the discriminatory state laws is ending. Judicial decisions in Title VII litigation leave no doubt on that score. General Motors, which is not managed by militant feminists, abandoned its adherence, effective May 1, 1970, to what it termed "the limitations and restrictions imposed by state 'protective' laws as they relate to the employment of female employees in its offices and factories." More recently, the North American Rockwell Corporation joined with the UAW in soliciting an arbitration award to the effect that it would be a violation of the collective bargaining agreement between company and union for the corporation to impose provisions of California law that have been declared to violate the provisions of Title VII of the Civil Rights Act of 1964. The arbitrator in that case joined the majority of arbitrators making awards under UAW agreements who hold that the Civil Rights Act of 1964 preempts and takes precedence over any state law which attempts to restrict the rights of employees on questions of race, sex and religion.

The UAW shares the view that our goal should be to humanize working conditions for all. Enactment of Joint Resolution H.J. Res. 208 without the crippling amendments proposed by Rep. Wiggins would open the way toward an orderly and vigorous pursuit of that goal. The two-year interval after its enactment before ERA would become effective, would provide ample opportunity not to scuttle the state legislation but honestly to separate the wheat from the chaff and to incorporate the positive values of the state laws in new legislation protective of all workers on an equal basis.

We earnestly hope you will see the wisdom of such an approach. Most of the stress and tension in our society stems not from radical or revolutionary initiatives, but from the tardy responses of our leadership and our institutions to clear instances of social neglect and inequity. The long neglect in giving women the equal protection of our laws is a case in point; further delay in this critical area will aggravate an already serious crisis of credibilty which is hurting all branches and levels of government.

Sincerely yours,

OLGA M. MADAR,
Vice President.

[From McCall's magazine, September 1971]

WHAT "BFOQ" MEANS TO YOU?

In 1964, Title VII of the Civil Rights Act outlawed employment discrimination based on race, religion, national origin, or sex. Yet today, in many states, women are still suffering discrimination on the job.

Some employers, unions, and employment agencies have sought to justify continued differential treatment of the sexes by claiming that state protective labor laws (presently applying to women only) makes sex a "bonafide occupational qualification," or "bfoq," in states that have them. (Title VII allows discrimination by religion, national origin, and sex if these factors can be shown to be "bona fide occupational qualification[s] reasonably necessary to the normal operation" of a business or enterprise.)

Such state protective labor laws often requires seats at work, regular rest periods, and minimum wages for women workers, but do not impose similar requirements for men workers. In some states, they prohibit employers from requiring or permitting women employees to work more than a designated number of hours per day or week, or to lift objects weighing more than a designated number of pounds.

The Equal Employment Opportunity Commission, which administers Title VII, has divided state protective laws into two categories: those that provide women with distinct benefits, such as minimum wage laws; and others, such as hours-limitations laws, that impose a burden on women either by depriving them of the right to earn over-

time pay or by keeping them out of jobs requiring overtime work.

By now state and federal courts have decided more than a half dozen cases brought by women workers to challenge state hours-limitations laws. Almost unanimously, these courts have invalidated the state hours-limitations laws because they conflict with Title VII's prohibition against employment sex discrimination.

Should the United States Supreme Court uphold these decisions, they will represent important personal victories for the women complainants in the cases. Not only will they then be able to earn overtime pay on an equal basis with male coworkers, but their employers will no longer be able to invoke the state laws to deny them jobs requiring occasional overtime work.

Such a result, however, will cost woman workers the genuine protection provided by hours limitations laws. The technique of extending the benefit of such protective laws to men—which is feasible with respect to minimum wages, rest periods, and seats at work—does not appear to be practicable now, since many male workers have come to regard overtime work as a cherished benefit.

The time may be ripe for new state and federal legislation that would embody the principle of voluntary overtime for both sexes. Such new laws would permit both men and women to work a designated number of hours in excess of an established norm. At the same time, they would prohibit employers from discharging an employee for his or her refusal to work overtime.

The enactment of such voluntary overtime laws would extend to men the real benefit of the hours-limitations laws: the right *not* to work overtime. The principle of equal treatment in the law without regard to sex could thus be preserved without sacrificing hard-won social gains of the past.

RICHMOND, MAINE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on previous occasions I have inserted in the RECORD interesting information about the community of Richmond, Maine, established by my distinguished friend, Baron Vladimir Kuhn von Poushental for the benefit of Americans of Russian birth or descent who have fled from persecution of Communist Russia and have now developed a great colony in Maine. They retain their religious and cultural traditions of old Russia and at the same time are a progressive American community. Articles recently appearing in the Kennebec Journal tell of some of the religious and cultural activities of this community which I believe will be of interest to my colleagues. I include the following in the RECORD:

FEAST OF TRANSFIGURATION CELEBRATED AT RICHMOND

RICHMOND.—The Feast of the Transfiguration was celebrated during a 90-minute service at St. Alexander Nevsky Greek Orthodox Church Thursday.

More than 70 people came to the church lighting candles and bearing baskets of fruit.

Before the service started two men alternated reading from the scriptures while the ladies lit the candles on each of three altars.

A men's choir sang a cappella under the direction of the grandson of Count Leo Nikolaevich Tolstoy, a Russian novelist and social reformer.

All the children received communion because children are sinless and need not go to confession before receiving the sacrament according to Prof. Zinaida Wlodkowski of Augusta.

The service ended when candles were lighted in each basket of fruit to be blessed and then sprinkled with holy water by the white-robed priest.

The service is in the ancient Greek language which is the original tongue of the greater part of the servicebooks used by the Russian Orthodox Greek-Catholic Church.

The priest was the Rev. Josef Grynkiewicz.

INSTRUCTOR DOES RUSSIAN RESEARCH

RICHMOND.—William Hall, a teacher of Russian language at Concord-Carlisle High School in Concord, Mass., visited Richmond last week to learn more about the Russian community here.

Hall has visited Richmond before and met with several members of the Russian families. On last week's trip, he met with Eugene Sherbakoff, a former actor, who tape-recorded sections of Dostoevsky's Crime and Punishment and Brothers Karamazov, N. Gogol, Inspektor General. Hall will use the recordings in his classes at Concord.

ARCHBISHOP VISITOR AT RICHMOND

RICHMOND.—St. Alexander Nevsky's Russian Orthodox Church was honored over the weekend by a visit by His Eminence Archbishop Nikon of Washington, D.C., and Florida, who brought with him an exact copy of the famous icon of Our Lady of Pochaev, which was displayed for veneration in the church Friday and Saturday.

Archbishop Nikon is the second highest ranking prelate of the Russian Orthodox Church abroad and has held the bishopric of Washington and Florida since 1950.

The Pochaev icon is closely connected with the great Monastery of the Lavra in Pochaev in the Western Ukraine, a great center of the Orthodox faith during the Middle Ages and afterwards when the area was overrun by Poland.

The Lavra, with its miraculous image of the Mother of God, was for almost a century the only source of Orthodox service books and literature in the western Ukraine and carried on an intense struggle in the face of religious persecution.

Interestingly enough, the monastery of Pochaev has regained this significance and has become an island of church life.

An exact copy of the ancient Pochaev icon was executed in the 1920's and sent to America with Archbishop Vitaly as a gift to the Orthodox Christians of this country. Usually kept in New York City, the icon was brought to Richmond by the archbishop so that it could be seen and venerated here. Reproductions of the icon are available at St. Alexander Nevsky's parish.

Saturday night there was a solemn night vigil service at 6 p.m. at which the archibshop officiated. There was a pontifical divine liturgy at 10 a.m. Sunday.

The archbishop was accompanied by Archdeacon Valentine Chmelev and by his personal secretary, John Shaw.

CRIME IN THE UNITED STATES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on September 9, the Honorable John N. Mitchell, Attorney General of the United States, delivered a very able and significant address before the chiefs of police at the Attorney General's Conference on Crime Reduction in Washington. The Attorney General reviewed the problem of crime in the United States today and the effort being made by a concert of action on the part of the Federal, State, and local governments to curb crime. While the Attorney General is still disturbed, as we all are, about the rate of crime in the country, he found some encouragement in the latest reports of a decrease in the percentage of increase in crime.

The Attorney General clearly recognized the responsibility of the Government of the United States to play a major role in the prevention and curbing of crime in our land. And I am sure from the Attorney General's deep concern about this challenging problem that he will support an expanding effort on part of the Federal Government in the several different areas affecting crime, to bring about a more meaningful reduction in crime in the country.

I think all of us recognize that we must establish a closer concert of action among the Federal, State, and local governments to combat the menace of crime in the country today. That is one of the concerns of the House Select Committee on Crime, of which I have the honor to be chairman, to which we will be giving special consideration in the months ahead.

I commend the distinguished Attorney General's able address and include it in the RECORD following my remarks:

THE WAR ON CRIME: THE END OF THE BEGINNING

(Address of John N. Mitchell, Attorney General of the United States)

I want to add my welcome to those you have already received at the opening of this conference. I am indeed pleased with the fine attendance at this important meeting of law enforcement executives. I thank you for responding to my invitation, and I firmly believe that our labors here can produce new advances in the nation's war on crime.

I do not hesitate to use the term "war," for that is exactly what it is. There is nothing controversial about this war. There is the side of law, justice, honesty, and public safety. And there is the side of lawlessness, dishonesty, human exploitation, and violence. I consider our meeting here in Washington a strategy conference on our side—a conference among allied officers over the maps of tomorrow's battlefield.

To continue the analogy, we meet at a critical point in the war against crime. Through the decade of the 1960s the crime rate in the United States soared. It not only increased, but the increase kept increasing. In the 10 years from 1960 to 1970, serious crime as measured by the FBI Uniform Crime Index rose 176 percent. In some of our largest cities, including the capital of our nation, the streets in the heart of the business district were considered by many to be unsafe at night. There was no blinking the fact that we were beset by an alarming crime wave, and many Americans believed our society was beginning to crack at the seams.

I will not go into the reasons for this crime wave. Some said that fighting crime was a matter of social reform—if we had a better society free of social ills we would have less crime. In the long run they had a point, but

that was small comfort to last night's victim of mugging on the city street. It was a little like sitting on a hill philosophizing about erosion control while a flash flood is carrying away your town.

In 1968 Richard Nixon called for decisive action against the crime wave in this country. He recognized that Federal jurisdiction is limited to Federal crimes, and that the first and main lines of defense against crime were the local and state peace officers. But he also knew that law enforcement across the nation desperately needed national leadership and national example. When he was elected President he instituted a comprehensive drive against crime—a many-faceted program that marshaled every Federal enforcement arm. He also asked for and won a sharp acceleration in Federal financial aid to state and local enforcement agencies. The nation suddenly found that it had leadership in the war on crime.

At the same time the local and state enforcement agencies across the country were directing renewed efforts in the same war. Many of them applied added funds for better equipment, more manpower, better training. More support has also come from the public and from private groups, such as the U.S. Chamber of Commerce, which has published educational booklets about crime and has helped in other ways.

Altogether, the nation renewed its attack on crime. There were few who were sitting on the hill philosophizing. There were more who were in town throwing sandbags into the breach.

Today we are seeing the first encouraging results of this monumental effort by the nation's peace officers. Fear is being swept from the streets of some—though not all—American cities. In the first quarter of 1971, as you know, 60 American cities showed an actual decrease in the number of crimes. And while serious crime continued to increase in the nation as a whole, the rate of increase is finally slowing down. Only last week the FBI's annual Uniform Crime Report for 1970 confirmed this trend. In 1968 crime had increased 17 percent over the previous year, 12 percent in 1969 and 11 percent in 1970. Moreover, in the great cities of the country—those with 250,000 or more people—serious crime increased by 18 percent in 1968, 9 percent in 1969 and 6 percent in 1970.

Now I don't wish to make too much out of these figures. We can take some encouragement, but not much comfort. We have the trend going in the right direction, but that trend is still too tentative to let us shout very loud. To go back to my analogy, the enemy's advance has been slowed, but he is not yet retreating. I'd like to think the situation can be described in Winston Churchill's cautious words when the Allies had stalled Nazi expansion and opened a new front in Africa in the fall of 1942.

"Now this is not the end," he said. "It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

So this benchmark calls upon us to assess our strategy, to exchange our experiences in penetrating the enemy's vulnerable spots, to learn from each other's successes and failures. Here at this conference we can redirect our forces and mount an even stronger offensive against crime.

In doing so, I wish to emphasize that this conference is and must be a mutual exchange of ideas between all jurisdictions. The Federal Government is not here to dispense some higher wisdom, but to trade ideas with all the others on the firing line. We have anticipated sharing the experience, for example, of the police chiefs from the 60 cities showing a reduction in crime. Each of us has his contribution to make, and I for one would like to share with you some of the reasons why, from the Federal viewpoint, I am encouraged in this war on crime.

First, we have legislative weapons that were not available before. The Omnibus Crime Control and Safe Streets Act of 1968 provided for, among other things, court-authorized wiretapping. While the previous Administration did not see fit to use this weapon that Congress had given it, President Nixon sanctioned its use as one of his first acts of office. Since then it has proved to be an extremely effective method of obtaining evidence in organized crime cases where other methods are ineffective or too dangerous. In 1970, more than two out of every three messages intercepted by Federal investigators were incriminating, and for every Federal wiretap there was an average of between three and four arrests.

When President Nixon took office he called for other anti-crime legislation, and most of it was passed by Congress. This includes the Organized Crime Control Act of 1970, which provided better means of enforcing laws and securing evidence in organized crime cases. It included the Comprehensive Drug Abuse Prevention and Control Act of 1970, which provided stronger enforcement tools and penalties against drug traffickers. And it included the District of Columbia Court Reform and Criminal Procedure Act of 1970, which has provided the tools for further reducing crime in the one major urban area entirely within the Federal jurisdiction.

Without waiting for this legislation, President Nixon and his Administration took every step to escalate the war on crime. The President established the National Council on Organized Crime, which mobilized all appropriate Federal agency heads and the special expertise of their staffs. I am able to report that the number of organized crime and gambling figures convicted as a result of FBI investigations has risen sharply—from 281 in fiscal 1968 to 631 in fiscal 1971.

In the difficult area of narcotics control, the Federal Government provided national leadership. All appropriate Federal agencies have increased their arrests and confiscations. In perhaps the most significant breakthrough in this field, the Turkish Government has agreed to halt its opium-growing industry. We all know that narcotics control is a very persistent problem, but we also know that as we defeat it we will be defeating an important cause of crime.

The District of Columbia has been the scene of remarkable achievements. In fiscal 1971 the volume of crime in Washington, D.C. was 18.7 percent lower than in fiscal 1970. That is the first fiscal year in which crime dropped since such records have been kept beginning in 1956. Figures have just been published showing a further decrease of 10.6 percent for the month of July compared to the previous July, which in itself showed a decline over the same month in 1969.

These Administration actions that I have just described have been confined to the limited area of Federal jurisdiction. I turn now to the far broader area in which Federal support has had an impact on all jurisdictions, and with which you are more familiar. I refer to the Law Enforcement Assistance Administration, which was created by the Omnibus Crime Control and Safe Streets Act of 1968. At President Nixon's urging this agency's budget is now more than 10 times its original budget of three years ago. It grew from $63 million in fiscal 1969 to a fiscal 1972 appropriation of almost $700 million.

In the past three years, police programs have benefited either directly or indirectly from more than $370 million in LEAA funds.

There are thousands of police programs under way in the United States which would not have begun—could not have been created—without LEAA funds. Partly because of the LEAA program there are more policemen on the street, there are more patrol units, and better items of police equipment than there were three years ago.

Police communications are being improved partly because LEAA has provided more than $38 million to finance better local and state systems, control centers and much-needed equipment.

Police ability to deal with bombings is being improved because LEAA has committed well over $2 million for special training of local and state officers, for bomb disposal research, and for technical aid. Graduates of LEAA's bomb disposal course have paid it the supreme compliment, saying it has saved lives and prevented injuries.

A number of LEAA programs are helping to improve police safety—and provide better equipment. Among these efforts was the IACP's bomb data center, and the testing of different police armor vests by LEAA's new Law Enforcement Standards Laboratory.

Take any area of the country and we see LEAA funds at work in important programs. As you know, there have been and are key LEAA projects among those 60 cities which have recorded substantial crime decreases during the first quarter of this year.

One important activity, the Law Enforcement Educational Program, is very visible not only to you as police administrators, but to all members of police departments. To date, over 60,000 police officers have received educational benefits to help them in their professionalization.

All of this, coupled with the other avenues of Federal action that I mentioned, gives me a positive feeling about the national war on crime. Many of these innovations, such as the new enforcement weapons against organized crime and some of the significant LEAA projects, are young programs. We have only partially seen their effects. As they gather momentum I believe we will see more crippling blows against the enemy.

It is true that not all the results are going in our favor. The number of police killings each year is still on the increase. This abominable and shocking trend must be reversed. Although federal jurisdiction in this area is limited, President Nixon has directed the FBI to join in the investigation of a police killing when asked to do so by the local authority. Equally important, all federal investigative agencies are on notice to share immediately with state or local police any information they receive about possible police killings. In addition, the President has proposed legislation to Congress to assist the families of officers killed in the line of duty.

The number of police murders reminds us very forcibly that the war against crime is far from over. We have by no means reached the beginning of the end, but I believe we are at the end of the beginning. We have mobilized our resources. We have established communications and strategic links between our various commands. And in my opinion, most important of all, we have strong national leadership. We have a President who has gone on record in no uncertain terms in support of the law enforcer. Only a few weeks ago he summarized the situation when he told a gathering of local peace officers:

When you go home, tell your colleagues that the era of permissiveness with regard to law enforcement is at an end in the United States of America. Tell your colleagues that . . . in terms of support of the President of the United States and the Attorney General, we back law enforcement officials in their attempts to reestablish respect for law, in their attempts to enforce the law with justice.

Gentlemen, that statement sums up the present situation. The climate for decisive inroads against crime was never better. We have the resources, the capablities, the support of the public, the leadership of the President. Here at this conference we have the ability to marshal these assets even more

effectively to assure the peace and safety of American society.

INTER-AMERICAN SOLIDARITY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is a privilege for me to call to the attention of my colleagues the following address of the distinguished Chief of the Foreign Service of Costa Rica, Dr. Carlos Castro Calzada. His address at the Florida Research Institute on August 14, 1971, makes a valuable contribution to our understanding of the relationships of the people of the Americas. I commend it to you and to our colleagues:

INTER-AMERICAN SOLIDARITY

Mr. President, Members of the Faculty, Ladies and Gentlemen, it is indeed a great pleasure and an honor to be here today. I appreciate this opportunity, as an individual and as a representative of my country, to address a few remarks to you on Inter-American Solidarity.

Inter-American cooperation is and has always been a prime concern to the Government of the United States. And, so has it been for the Government of Costa Rica. Both have always had and will always have a deep interest in working toward cooperative solutions to inter-American problems and in developing ways and means which can strengthen our common efforts and lead to accelerate development in all the Americas. Your country, my country and all the other nations of the Inter-American System face serious problems and large obstacles. Together we form a community of widely diverse people, our cultures are different, we have different perceptions of self-interest and reality, and different ways of relating to these perceptions. Our emotional reactions are often different. But may it always be that way. It would be a very dull world if we were all alike. Solidarity, mutuality, do not flow naturally. We all have to work at them. Practical and serious restraints frequently inhibit our efforts to meet the surging aspirations of our societies. But we are all working together on mutual problems and concerns, and are continuously suggesting to each other through our multinational organizations new ways to improve and restructure our Inter-American relationships.

Because of their proximity to each other, and other similarities of significance, the United States and Latin America have stood in a very special relationship one to the other. In that relationship we have moved from controversy and dispute to cooperation, alliance and now, under President Nixon, to partnership. For many years we have been linked together in the Organization of American States, and its predecessors, in joint request for a better future. Recently we have joined in a noble Alliance for Progress and now your President has suggested our goal for the seventies should be a decade of progress for the Americas. It is because of this special relationship and the leadership that your country has provided in this Hemisphere; that Solidarity, Mutuality, Cooperation necessarily suggest the Foreign Policy of the United States in Latin America. Two matters of recent and great significance in this area are:

First. The Alliance for Progress, which was a revolutionary document. It was suggested by the ideas of great Latin American spokesmen looking into the future of their people. Its policies and institutions began to take shape in the latter years of the Eisenhower Administration and were brought to full life and vigor by President Kennedy. The Alliance sought a peaceful revolution because it promoted economic and social transformation without violence. It sought to expand benefits for all the people rather than merely redistributing them. It is an Alliance against the "status quo", when the status quo meant illness, health, hunger, latifundia, one-crop economies, illiteracy and ignorance. It is an Alliance for land reform, jobs, new schools, roads, more electric power, more consumer cooperatives, improved irrigation and bountiful agricultural yields, and, above all, an equitable sharing of national financial burdens by all citizens. It is an Alliance which sought to promote regional economic cooperation and hemispheric integration. The Alliance for Progress fired the imagination of people in this country and in Latin America. And in spite of setbacks and disappointments, new beginnings were made in our alliance, solidarity and cooperation. It has helped our nations generate development "momentum" of our own. Now we must do all we can to sustain that momentum. Our hemisphere has reached the crucial stage when the material foundations of development can now begin to provide a better life for more than 200 million Latin American citizens. There is a surging spirit in our nations—determination to break the grip of outmoded structures, yet equally determined to avoid social disintegration. Freedom, justice, a chance for each of our people to live a better and more abundant life. Progress in our Hemisphere is not only a practical necessity but a moral imperative.

Second. In October of 1969, President Nixon, in his remarks to the Inter-American Press Association at Washington, D.C., announced a Partnership in the Americas. For many years, the United States has pursued the illusion that it alone could remake continents. Conscious of its wealth and technology, seized by the force of good intentions, driven by its natural impatience, remembering the dramatic successes of its Marshall Plan in the European post-war, it has been understood what was the best for every one else and that it could and should make it happen. The fantastic successes that have made your country the most powerful today and the greatest in history, have given it a habitual overwhelming confidence in the rightness of its own prescriptions. But, as President Nixon then pointed out: experience has taught better. It has taught that economic and social development is not the achievement of one nation's traditions. It has taught that aid that infringes pride is no favor to any nation. It has taught that each nation must be true to its own character.

So it was in this spirit that President Nixon proposed a Partnership in the Americas. It was an invitation by one partner for further interchange, for increased communication, and for new imagination in meeting our shared responsibilities. This, in the hope of achieving a more mature partnership in which voices are heard and none is predominant, a partnership guided by a healthy awareness that give-and-take is better than take-it-or-leave-it.

President Nixon offered action. His proposal represented a new approach, and it is based on five principles: First, a firm commitment to the Inter-American System, to the compacts which bind us in that system, as exemplified by the Organization of American States and by the principles so nobly set forth, in its charter. Second, respect for national identity and national dignity in a partnership in which rights and responsibilities are shared by a community of independent states. Third, a firm commitment to continue the United States assistance for hemispheric development. Fourth, a belief that the principal future pattern of this assistance must be the United States support for Latin American initiatives and that this can best be achieved on a multilateral basis within the Inter-American System, and finally, a dedication to improve the quality of life in this New World of ours—to make people the center of our concern and to help them meet their economic, social, and human needs. These proposals by your President were responsive to the voices he has heard from Latin America—voices of hope, voices of concern and some voices of frustration. These voices have told him that they wanted fewer promises and more action. They have told that the United States aid programs seemed to have helped the United States more than Latin America. They have told that the United States trade policies were insensitive to the needs of Latin American Nations. They told that if our Partnership is to thrive or even to survive, the United States must recognize that the nations of the Americas must go forward in their own way under their own leadership.

So with the passage of time it has become increasingly clear that the task of Latin American economic and social development is primarily a task for Latin Americans. We also recognize that the statistics of the economic growth rate of Latin America and the realities of social progress fall short of the needs of today and tomorrow, though most of yesterday's targets were largely accomplished. These are the same statistics that must prompt us to do better. We must find the ways and the means whereby we can move forward together in a more effective way. There are serious problems ahead that can only be solved through our mutual cooperation.

The rapidly expanding population and labor force in Latin America now requires a higher rate of economic growth than was formerly considered a reasonable target, if per capita well-being is to be maintained, let alone improved. We have become increasingly concerned with the problems posed for our societies by the relentless pressure of population on resources. These growing pressures to develop, modernize, and adapt to new challenges have led us all to reflect our interdependence and to thereby strengthen our solidarity.

We must all work vigorously and persistently toward a solution of our mutual problems, making people, with their human, social, and economic needs, the inspiration of our efforts.

Thank you very much.

HERE'S HELP, INC.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure you know of my deep concern with the problem of drug abuse in our country. My experience as chairman of the House Select Committee on Crime has emphasized for me the great tragedy of so many young Americans who have become dependent upon or addicted to drugs.

I am proud, however, that there is in my area a great interest in doing something about this problem and I wish to call to the attention of my colleagues the following outline of the program of Here's Help, Inc., which is under the leadership of a very outstanding woman, Mrs. Marian Siegel, and which offers a model for drug abuse programs throughout the country:

NEEDS

State: 1, More adequate consultation and information services from the State Drug Abuse Program. Staffing should be made

available on a regional basis, and in some cases, on a local basis.

Dade County should have a coordinator working with programs in the area. This could eliminate some of the confusion regarding funding. He could also be responsible for initiating studies to determine when and where duplication of services might be required, could see that individual programs have systems for adequate service reporting, could help programs to meet licensing standards, and could serve as a liaison person between programs and the various bureaucracies such as the Governor's Council on Criminal Justice (both local and state), the LEAA Regional Offices, the County Commission, and the Department of Health and Rehabilitative Services.

State: 2, A way to cut through the delays in the channeling of federal funding through Tallahassee and the various other echelons of government. Processing of applications for funding is already too complicated, and additional bodies continue to be added to the process.

State: 3, More adequate funding of drug abuse programs through H.R.S. Law enforcement money—although we don't want to look a gift horse in the mouth—does not really suggest itself as a stable basis for a long-range approach to what is essentially a medical and public health type problem.

Local: 4, Local funding must increase or there will occur, as matching-funds ratios increase, a shrinkage in services that are already pathetically inadequate. Local government, the United Fund, local business, and the public itself cannot afford to see these services curtailed because of a lack of funds. In the main the agencies providing these services are relatively new, they do not have endowment income to help finance their operations, and they do not have funds to staff sophisticated fund-raising departments.

SPECTRUM DATA

1. On August 6, 1971: (a) Clients in resident treatment, 120; (b) Clients receiving out-patient treatment, 41; (c) Parents receiving individual and group services, 60.

2. Averages of above for 6 months ended June 30, 1971: (a) Clients in resident treatment, 96; (b) Clients receiving out-patient treatment, 40; (c) Parents receiving individual and group services, 60.

3. Average costs for above, 6 months ended June 30, 1971: (a) Clients in resident treatment: 182.5 days (6 months) x $11 cost per day-2007.5 x 96 average number of clients $192,720, percent of total 73.7. (b) Outpatient: 26 weeks x $17.50 cost per week-$455, cost per client, 6 months x 40 average number of clients, $18,200 cost. 40 clients, 6 months, percent of total 6.9. (c) Parents: 26 weeks x $5.00 cost per parent per week-$130, x 60 average number of parents-$7,800 cost, 60 parents, 6 months, percent of total 3.0.

4. Estimated costs, 6 months, consultation with other agencies, program development in other areas, and training seminars-$7,000, percent of total 2.7.

5. Estimated costs, 6 months, administration, fund-raising, and other general overhead-$35,896, percent of total 13.7. Total $261,616, 100.0.

6. Income by category and by percent of cost:

	Percent of cost
Contractual income, $196,628	75.2
Program service fees $14,966	5.7
Contributions, $31,218	11.9
Total income, $242,812, operating deficit, $18,804	7.2
Total expenditures, $261,616	100.0

7. *Program Data:*

(a) For clients in resident treatment: (average 96)—i. Age range 15 to 44 years; ii. Average age 23.6 years; iii. Most common age 19 years. (b) During six months ended June 30, 1971: i. Group therapy sessions: monthly average, 99; total for period 593. ii. Informational seminars: monthly average, 138; total for period 830. iii. Visits to doctors and hospitals: monthly average, 30; total for period 536. iv. Urine surveillance: monthly average, 63 (analyses); total for period 1,138. v. Speaking engagements by residents, monthly average, 20; total for period 118. vi. Clean days, total for period 17,520. Cumulative total for resident programs to date: 33,-895. vii. Other educational and treatment activities: Two radio programs on regular basis, Youth Hall group, Dade County jail group, Stockade group. (c) Of the 204 clients admitted to resident treatment from January 12, 1970 to June 11, 1971: 95 or 46.6 percent left prior to completion of the program[1], 103 or 50.5 percent were still in treatment June 11, 1971, 5 or 2.4 percent had graduated by June 11, 1971, 1 or 0.5 percent had been referred to another agency, totals 204 or 100 percent.

HERE'S HELP DATA

1. For 6 months ended July 31, 1971: (a) An average of 62 clients received day care type services through the regular treatment program. On an average 51.6 percent were female, 48.4 percent male. (b) One or both parent of an average of 50 percent of these clients were provided with individual and group services. (c) 124 junior high school students received group services through regular school programs staffed by the agency in two junior high schools. These students were served through a total of 12 group sessions per week.

2. Estimated expenditures for the above, 6 months ended July 31, 1971: 46 average parents receiving services ×5 dollar cost per week=230×26=$5,980. 124 junior high students receiving services ×2 dollar cost per week=248×26 weeks=$6,448. 62 clients receiving day care individual and group treatment services ×8 dollar cost per week=496×26 weeks=$12,896, 6 months estimated expenditures. Total, $25,324.

3. Estimated income for the 6 month period matched total estimated expenditures, and was raised entirely through voluntary contributions. No salaries were available for administrative or secretarial services, and funds were not even available for salaries for some of the program staff. Services offered included medical, psychological and psychiatric examination as required.

4. The average of clients in treatment was 17.

5. Services for the 6 month period included: (a) Group therapy sessions: Monthly average 39; Total for period 238. (b) Informational seminars: Monthly average 4: Total for period 24. (c) Group sessions in schools: monthly average, 22; Total for period, 132. (d) Parent groups: Monthly average, 4; Total for period, 24. (e) Social programs: 16 members enrolled in addition to the 62 regular clients reported above. (f) Applicants interviewed and referred to other services, 69. (g) Educational activities: I—Addresses to citizens meetings, 52; II—Appearances, radio and TV, 50; III—Addresses, civic clubs, 26; IV—Conferences with civic organization leaders, 48; V—Court appearances, 20; VI—Conferences with probation officials, 8; VII—Conferences with school officials, 32.

6. Four additional schools have asked Here's Help to initiate and staff school programs for the coming year. The agency is without funds to provide these services.

EXPLANATION IN BRIEF OF HERE'S HELP, INC.

Here's Help, Inc., was conceived by two housewives, Mrs. Marion Seigel and Mrs. Charlotte Paris, who became aware of an existing, growing problem within their community, and knew that something had to be done. With their help, John Kross and Steve Vescova, the two directors, both graduates of Topic House, a drug rehabilitation center in New York, and the board of directors made up of many prominent members of our community, Here's Help has grown to become the success that it is today.

Here's Help, help standing for Honest Education Leading to the Prevention of drug abuse, offers a social alternative to those people 13–21 who feel that because of their social environment and the pressures of their peers, they will soon be a part of the drug sub-culture. It offers a rehabilitative alternative to those who have already begun to experiment with drugs. Our theories are based on revisions of the early concepts of other drug rehabilitation programs such as Synanon and Daytop Village. We feel that drugs are just a symptom of another problem (which could range anywhere from common insecurities to other more intense problems). If a person has the need to continually escape reality, then there is a problem existing that he has to learn to face and cope with instead of rationalizing and escaping it.

Help is a one year, five stage program. When a person first comes to the Center, he is interviewed to see if our program is best suited to help him. If it is, he then becomes a prospective member (Stage I). During this stage, the person makes an investment into the center, usually in the way of time and work, to show his sincerity in wanting to become a member and to get help. He also attends groups every Monday, Wednesday and Friday afternoons to both motivate and prepare him for the next stage.

We feel that before a person can get to the real reason why he had the need to continually escape reality, there are certain barriers, defenses, that we have to breakdown and then start to rebuild. Basically these are negative behavior patterns and attitudes. In Stage II, we try to correct these negative symptoms and responses through peer group pressure. By relating with and accepting responsible constructive criticism from ones peers, he begins to take on responsibility, a feeling of self-worth and self-achievement which is reflected in his relationships and his own attitude and behavior.

In Stage III, each member has a chance to express his own thoughts and feelings with others and to realize that he is not abnormal. To help him to realize that most people his age experience the same or related fears and inner conflicts, and that they are not alone. The member may now begin to phase back into the community by tapering off his involvement with the program.

Stage V is graduating. In this stage the person either continues on as a paid staff member or he leaves the program. Before hand, he goes through a period of staff training, Stage IV, where he begins to run groups, go out into the community talking to and helping his peers.

The teenagers are not the only people who have a chance to take advantage of what Here's Help has to offer. The parents also have their group every Sunday night from 8–11. The parents, using mild reality confrontation, discuss problems that they are experiencing with their children or themselves . . . By listening to the other parents expressing views, or relating their own experiences, one learns how to either cope with, or approach each situation.

We function as a family with a unified purpose, that being to develop to our full potential emotionally and in life to learn honesty, sincerity and consistency in becoming more aware of ourselves and others. We come closer together through our interrelated activities such as our Saturday night socials and Sunday afternoon baseball games.

Our goals that we are striving for right now are 1, to thoroughly educate the community on the problems of drug abuse, 2, to prevent the further spreading of drug abuse

[1] Of those who left prior to completion of the program, some are known to be continuing a drug-free style of life. A follow-up study is currently being undertaken.

on all levels, from kindergarten to Adulthood, 3, to rehabilitate every individual in need, to the point where he can phase back into the community with a responsible attitude, a better understanding of himself and the personal strength and fortification he needs to continue on in a positive direction and lastly, to research the problem of drug abuse, hoping that we will be able to find some answers which may help us to eventually cure the problem.

Through the efforts of such community leaders as Dr. Samuel Feldman, Ph. D. and Dr. Edward Jaffe, Pediatrician, who donate their time and facilities to any emotional or physical problem that may arise . . . and Congressman Claude Pepper, our voice in Washington, Here's Help is given the chance to strive for, work and attain these goals. Through the support of the community, Help will have the opportunity to strive for, work and eventually one day, see these goals attained.

QUARTERLY REPORT

Statistical breakdown

	1	2	3	4
I. Membership analysis:				
Members of program adhering to rehabilitation program:[1]				
Male	19	19	23	24
Female	21	17	23	23
Total	40	36	46	47
New members placed in rehabilitation program:[2]				
Male	19	7	5	9
Female	21	7	8	4
Total	40	14	13	13
Members leaving rehabilitation program:[3]				
Male	0	0	0	1
Female	1	0	0	0
Male	0	1	0	0
Female	3	1	1	2
Male	2	6	6	1
Female	1	3	4	0
Total	7	11	11	4
Involuntary membership in rehabilitation program:[4]				
Male	5	4	1	1
Female	5	2	1	2
Total	10	6	2	3
Members of program attending social program only:[5]				
Male	14	6	6	5
Female	11	6	8	9
Total	25	12	14	14
II. Group Analysis:				
Cumulative attendance of voluntary seminar group sessions	NA	100	122	154
Number of seminar groups and data sessions[6]	NA	12	7	13
Cumulative attendance of involved parents	202	224	284	289
Number of involved parent groups[7]	6	12	12	12
Number of staff and board meetings[8]	36	45	39	39
Group sessions held as part of rehabilitation program[9]	52	90	118	97
Cumulative attendance of groups held as part of rehabilitation program	592	830	1051	1347
III. Analysis of interviews:				
Adolescents interviewed and placed in orientation program:[10]				
Male	NA	NA	11	14
Female	NA	NA	9	17
Total			20	31
Adolescents interviewed and recommended to outside services:				
Male	NA	NA	28	22
Female	NA	NA	38	26
Total	NA	NA	66	48
Adults interviewed for job placement within rehabilitation program:				
Male	NA	NA	NA	0
Female	NA	NA	NA	3
Total	NA	NA	NA	4
IV. Community involvement analysis:				
Number of concerned citizen meetings[11]	1	26	26	13
Number of radio and television appearances[12]	8	10	10	4
Number of civic speaking engagements[13]	20	14	16	39
Number of meetings with civic organization leaders[14]	NA	NA	NA	8
Number of times appeared before court representing adolescents	21	20	12	8
Number of meetings with legal officials and probation dept	NA	NA	6	11
V. School program:				
Number of schools involved in preventative and educational program	N/A	N/A	N/A	2
Number of meetings with school officials concerning school program	N/A	N/A	N/A	31
Number of adolescents joining orientation program as a result of school program:				
Male	N/A	N/A	N/A	2
Female	N/A	N/A	N/A	2
Total	N/A	N/A	N/A	4
Number of groups held as part of program	N/A	N/A	N/A	21
Cumulative attendance of school program	N/A	N/A	N/A	317
VI. Breakdown of members attending rehabilitation program by communities:				
North Miami	10	12	11	20
North Miami Beach	22	25	28	28
Miami Beach	2	3	2	2
South Miami	3	3	4	2
Carol City	10	8	1	1
Hialeah	0	1	0	1
VII. Total number of people to enter or visit facilities	N/A	3,000	3,450	4,175 10,625

[1] The rehabilitation program of Here's Help is an outlay of therapeutic techniques developed at various centers around the country. Ours is an out-patient clinic that uses the best methods employed by these centers as its weapon. This is accomplished by the following procedures: Monday, Wednesday, and Friday, participants following this program would attend reality confrontation groups. Saturday, during the day they would participate in a group clean-up of the center and its grounds. That night they would attend our social function. Sunday they would attend our athletic functions for the day.

[2] 1st quarter statistic will be higher than the rest because of a waiting list of people that wished to join before the center actually opened its doors.

[3] These are rehabilitation participants who found the program not suited for their needs.

[4] A participant in the program is termed Involuntary when he is forced to come either by his parents or by the courts.

[5] Our social program consists of Saturday night and Sunday afternoon activities, as explained in footnote 1.

[6] Guest speakers such as doctors, lawyers, and man of the clergy, donate their time on Tuesday nights to speak to participants in the program.

[7] These groups are for concerned parents who wish a bette insight into the drug problem. They are held on Sunday nights.

[8] Staff meetings are held at least once a week by the directors and staff trainees to discuss matters concerning the center and participants in rehabilitative process.

[9] This figure represents groups held on Monday, Wednesday, and Friday. There are 3 or more sessions held each of these nights.

[10] Our orientation program consists of afternoon groups Monday, Wednesday, and Friday. These groups are designed to help the new person acquaint himself with the facilities. Some people drop out.

[11] These meetings are held at varied city halls in Dade County for people who wish to become acquainted with our program and people who wish to gain a little more insight into the drug problem.

[12] This figure does not include an advertisement that is shown on local TV approximately 14 times a week.

[13] Civic speaking is done when an organization calls us and arranges for us to appear before their group to present our "Awareness Program."

[14] Meetings with civic organization leaders were initiated either by our community relations department, or their boards for the purpose of organizing either financial or community involvement by their groups as a whole.

IMPORT PROBLEM IN A NEW LIGHT

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, during the hearings before the Committee on Ways and Means, on which I am privileged to serve, one of the witnesses was O. R. Strackbein of the Nation-Wide Committee on Import-Export Policy.

I was impressed with his analysis of the import problem as it confronts American industry and the whole economy of this country in the present-day setting.

Mr. Strackbein sees the import problem as moving into a new dimension that requires a wholly new assessment if it is to be met successfully. Existing remedies such as adjustment assistance or even tariff increases would not go to the heart of the problem or resolve the structural difference that separates our economy from the competing economies of other industrial countries.

He bases his conclusion on the developments of the postwar years during which the other countries have outstripped our productivity increase while lagging in the compensation of workers. The gap that has thus developed in costs, he sees as upsetting and despoiling the very dynamism that led this country into mass production. Industry, particularly new industry, built around new products, was drawn by the rewards of a mass market made rich by greatly enhanced purchasing power derived from rising wages justified by mass production.

According to Mr. Strackbein the heyday of our world industrial leadership is now under a shadow and a sundering challenge from abroad because of the wide cost gap that has developed. This cost gap prevents the development of new industries or the opening of a wider mass market for established products, such as the automobile, by radical new technology that reduces production costs.

The potential market that greeted entrepreneurs in this country in the past is no longer ours. Foreign producers, including our own foreign branches, can beat our home-ground producers to the mass market, leaving them behind blinking in discouragement. The problem thus created will not respond to the old remedies.

Mr. Speaker, I offer the statement of Mr. Strackbein at this point in the RECORD and recommend its reading to every Member of this body. The statement follows:

STATEMENT OF O. R. STRACKBEIN, PRESIDENT, THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY, BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS, SEPTEMBER 17, 1971

My name is O. R. Strackbein. I am president of The Nation-Wide Committee on Import-Export Policy. This organization is composed of industries, companies, associations, agricultural growers and some labor organizations that have in common the problem of import competition.

I wish to offer some commentary on two of the President's proposals that have been opened to hearings before this Committee. One is the tax credit of 10% on new machinery and equipment produced in the United States. known as the "job develop-

ment tax credit." The other, adoption of a provision for domestic international sales corporations, to be known as DISCs.

It is not my purpose to go into detail about these proposals but rather to relate them to the underlying competitive position of this country in world markets and at home *vis a vis* imports, and to weigh them as remedies.

This will be a brief summary statement, and I offer for the record a statement in greater detail, designed to show the development of our economic system over the past hundred years, with special emphasis on our deteriorating competitive position in the world. This exposition, it is hoped, will make it possible to evaluate remedies of the kind proposed by the President, and to determine their value either as short-run or long term remedies.

Only the briefest outline is possible during the short time available at these hearings. The outline follows:

The American people because of inventive capacity, freedom, thriftiness and robust toil-willingness, created the foundation for an economic system that was unique in the world, beginning well after the Civil War. Our mechanical inventiveness brought forward the possibility of mass production.

However, before this new form of production could materialize certain quite definite conditions had first to be envisioned, their implications understood and then preparation made to conform to them.

There is no neat sequence implied here. Chicken-and-egg problems were intermingled but we made our way. One sure requirement was that monopoly be avoided, so that the lower cost benefits of greater productivity would be passed to the consumer. We began in 1890 with the Sherman Anti-trust Act. This was followed in the Wilson Administration with the Clayton and Federal Trade Commission Acts, and some twenty five years later, with the Robinson-Patman Act.

Certainly no less important was a sharp revision of the business world's attitude toward wages. Usually Henry Ford is credited with this insight, which was revolutionary. He introduced the $5 per day wage. Evidently it had become clear to him that it would do little good to produce hundreds of thousands of automobiles if the people lacked the purchasing power to buy them. He made the transition from the view that wages were a necessary evil to be kept as low as possible, to the view that wages were the principal element of the market. As wages and productivity advanced a mass market would take shape. Mass production needed a mass consumer purchasing power to have a future.

Probably not fully appreciated but nonetheless very important was the growing emphasis of production of *non*essential goods and even luxuries, thus veering from a drab economy to one of excitement, growth, and proliferation.

Here the dynamic ingredient was *elasticity of demand*. An elastic demand, if backed by income, grows as prices are reduced. Henry Ford had a product for which the demand was elastic. If he could bring down the price through improved methods of production and volume output he would soon tap a real mass market. He succeeded; and the automobile industry blazed the way for an endless array of goods produced on the same principle.

The automobile replaced the horse and buggy but in time came to provide many more jobs than had previously been employed in producing carriages, wagons, hacks or in raising the horses needed to pull them.

Once we had the secret, efforts were endless to find new products or radical modification of established products that would meet human desires or needs, by catering to comfort, convenience, ease, pride of possession or social distinction. Such products were found in a great variety. The motivation was clear: to strike the jackpot of a mass market. We needed no import competition to launch the automobile and to bring down its price, or to put a telephone or radio or bathtub into nearly every home, and more than one in many homes. Household appliances of all kinds, principally dedicated to lightening housework and liberating the housewives, made their way into millions of households because mass production reduced their cost, and because competition, but more particularly the vision of a mass market, brought down the prices within the reach of the growing mass pocketbook.

World War I threw the system out of balance and the Great Depression brought on much economic soul-searching. In a decade or two the free enterprise system of the past was replaced by a regulated and controlled economy that removed nearly all the flexibility from the cost factors. National policy called for full employment. A heavy orientation toward social welfare increased cost burdens, which were added to already high defense outlays.

Meantime we dismantled our tariff to low levels and helped the countries ravaged by World War II with voluminous infusions of capital. We extended a variety of technological help to them.

They were highly receptive after observing the industrial prowess of this country in the War.

The industrial countries adopted our system with one principal exception, namely high wages. Foreign wages did indeed rise quite sharply, but not as fast as the leap in productivity. Their competitive advantage over us naturally grew. The leading industrial countries, moreover, did not have our heavy defense burdens, and this fact added to their competitive advantage.

As our industries were confronted by a new competitive reality they themselves invested heavily abroad, thus spreading our technology and combining high productivity low wages. They found an outlet for machinery in their branch plants; and machinery became our principal export. However, the new production in the branch plants, which was much greater than the value of the American machinery installed, made job for foreign rather than American workers.

When a new product was developed in this country (eg. television, recording machines, etc.) it was possible to produce it abroad or to arrange for foreign production through patent licensing.

Unfortunately in this way we destroyed our accustomed reliance on new products and innovations of production techniques to provide new job opportunities. We no longer have such uncontested access to our own mass market. In a race to tap our mass pocketbook the foreign-produced product can easily win.

With such a negative market outlook the capital investment climate in this country has deteriorated. It is proper that such investment be encouraged by action of the kind proposed by the President and now the subject of these hearings.

However, today our factories are quite far below capacity operation as it is. New capacity can, of course, mean new machinery and probably more production per worker. That costs can be brought below those on imported goods, however, is more doubtful. Other countries too can introduce more modern machinery as they have shown. In that race we cannot really hope to prevail, and may end with a net loss in employment.

As for helping our exports through the DISC proposal, we face much the same difficulties.

The intent is to make export operations more attractive and thus reduce the advantage of investing abroad. This hope, however, appears rather dim. The proposal assumes a rather narrow margin of import profits above foreign costs. Therefore, it is reasoned, a little greater advantage in our direction would open export markets substantially.

This is a highly dubious assumption. In many imports the cost differential over us is greater in magnitude than seems to be assumed, and this fact means that foreign costs are low enough to resist our export efforts.

Actually the outflow of American capital is not objectionable. Unquestionably it has promoted the economic advancement of other countries, including the developing nations. Why reduce it in favor of exports when the possibility of exporting more without heavy subsidy appears unlikely in view of the import developments of the past decade? The factors that explain the import growth also prevent the equal growth of our exports. We should remind ourselves that in reality our export deficit is much greater than official trade statistics indicate.

Needed is a restoration of our market to the conditions that explained the development of our unique economy in the first place, ie., an assurance of a mass market for newly developed goods produced by workers here rather than early deliverance of this market to workers employed in other countries. Henry Ford did not deliver our mass market at the outset to foreign automobile manufacturers. Had he done so our economic history would have been very different. This example may be multiplied many times.

We must not forget that employee compensation *is* our market (certainly 80% of it). If we reduce this compensation our market shrinks. If foreign workers are hired abroad ahead of our own workers in this country in a race for our mass market we do not augment our employment and therefore cannot hope to reach "full employment." Unfortunately the greater "efficiency" we need in order to be competitive destroys jobs and consumer purchasing power; it does not, as in the past, generate them *under present conditions*. Ask the coal industry. The higher efficiency that made it competitive cost the jobs of 75% of all the coal miners in this country from 1950 to 1965. We cannot pursue this path in many directions without courting countrywide disaster.

While the President's proposals might help stem the tide, they would not, by far, meet the basic problem. *For this we need ceilings on imports limiting their inroads to a predetermined reasonable share of our market.* With such ceilings adjustable for flexibility, we could once more look to our economy to provide the self-propelled growth that brought us the high level of material consumption of the past fifty years. We have learned something about managing the domestic economy to counter the earlier proneness to periodic depression; but we left the seaward side open to a flanking movement that has us on the run. It is not the direct displacement of workers by imports that represents our major affliction. Rather it is the jobs that cannot be born that stagnates our employment—jobs that under former conditions would have sprung up. So long as imports are poised, ready to head us off in development of a mass market for goods of all kinds, we cannot hope to regain our earlier position.

What we face in our import problem is a structural difference alongside of other countries comparable to a geological fault that may generate tremors and earthquakes. It is not something negotiable. We ourselves must correct the fault. The proposed legislation has the merit of giving us a little more time; but it should in no sense be regarded as more than that.

With the establishment of ceilings on import-harrassed products we could remove other trade barriers, even the tariff, and thus overcome foreign objection to our insistence on preserving our system against destruction.

AMERICAN AGRICULTURAL TRADE RIGHTS WITH THE EUROPEAN COMMUNITY

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include statistical tables and extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today 37 Members of Congress have joined together in sponsorship of a resolution urging the United States to press American agricultural trade rights with the European Economic Community.

It is important to American agriculture that we in Congress make known to the world our strong concern with the failure of the U.S. trade program to make use of America's productive capabilities. It is important that the President and the agencies of the executive branch understand that we as Representatives of farm and rural communities believe strongly that our constituents have not gotten full measure in the past from U.S. trade policy. It is important that all who read this resolution and its call for reform know that its views are shared by a sizable number of us. That is why I am pleased so many of my colleagues, including Messrs. ANDREWS, BEVILL, BRINKLEY, BROWN of Michigan, BROYHILL of North Carolina, BURLESON of Texas, CARTER, FINDLEY, HANSEN of Idaho, HARVEY, HUTCHINSON, LANDGREBE, MCCOLLISTER, MARTIN, MAYNE, MICHEL, MONTGOMERY, MYERS, NELSEN, NICHOLS, PERKINS, PRICE of Texas, QUIE, ROBINSON of Virginia, SCHERLE, SCOTT, SIKES, SHRIVER, SKUBITZ, TEAGUE of California, TERRY, THONE, VEYSEY, WAGGONNER, WINN, ZWACH joined me in introduction.

The EEC is the United States' largest market for agricultural exports. Last fiscal year our farmers, ranchers, and growers were able to sell over $1.7 billion worth of commodities to the six Common Market countries. Nevertheless, since 1965 American agricultural exports to the EEC have been declining. Last year was an exception due to unusually inclement weather in Europe.

Nineteen hundred sixty-five was a crucial year for at that time the adverse effects of the restrictive Common Agricultural Policy became fully apparent. This policy has since not only served to reduce the flow of American agricultural exports to the Common Market but to stifle their legitimate expansion as well.

CAP is a complex system of high internal support prices, tariff protection consisting of variable import levies and charges, export subsidies, and discrimination. It violates the spirit and probably the letter of the General Agreement on Tariffs and Trade—GATT—as well as the fundamental principles of a fair and equitable system of world trade.

The Common Agricultural Policy employs as one of its primary weapons the variable levy. Simply explained, this vicious tariff is the difference between prices artificially set—target price—and received by the European farmer, and the prices received by the world's most efficient producers. Thus even if the American farmers, rancher, or grower can produce a commodity at one-half, one-third, or one-fourth the price of his European counterpart, the American finds himself in an unfavorable competitive position; the more efficiently a commodity is produced, the higher the variable levy. (See table 2.) Grain, poultry, and rice are examples of U.S. products affected by this type of restriction.

Behind the variable levy and other charges, inefficient EEC production has flourished. Resulting surpluses must be disposed of, yet are noncompetitive on the world market. To solve this problem, the EEC uses heavy export subsidies (see table 3). Thus competition in third countries takes markets from American producers. But other nations also lose markets to the European subsidized product. These nations are then forced to seek other markets in competition with the United States—including our own domestic market. EEC subsidies apply to a wide range of products.

The CAP involves a third element, favoritism and discrimination. In effect, the EEC grants market preferences to specific nations of which the United States is not one. These favored nations receive tariff breaks for sales of certain commodities on the European market—the citrus preferences to Spain and Israel, and the tobacco preferences to Greece, Turkey, and certain African countries are noteworthy examples. As a result, in the commodities affected, the United States not only must overcome competition within the Six but favored competition outside.

While I have listed three major unfair trade practices engaged in by the EEC, they are by no means the sum. Several others exist, but each with the same effect—reduction of American agricultural exports.

Almost every agricultural commodity is affected. Those subject to the variable levy, for example, wheat, feed grains, rice, and poultry, are generally considered the most directly and seriously hurt, though such is not necessarily the case. CAP also has a large negative impact upon such nonvariable levy items as fruits and vegetables. Still others, for example, dairy, tobacco, and soybeans, face more potential or likely damage than is now being suffered.

Development of CAP arose partially through our own fault. GATT provides that in creation of a customs union, for example, EEC, the new trade barriers shall be no greater or more restrictive than those of the industrial countries forming the union. If this principle is not adhered to, there is just cause for complaint. In the mid-60's the EEC did create greater and more restrictive barriers, but the United States chose to ignore it. Instead of opting for the economic objective of assisting our own agriculture, a decision was made favoring the political objective—encouragement of European integration.

Prior to agreement on the CAP, the six argued: agriculture is essential to integration; since agreement has not yet been reached on the specific CAP programs, it would be inadvisable for the Americans to press for concessions; don't "rock the boat" before a united European front can be presented.

Once final agreement had been reached, however, the argument changed: policy is now fixed; it cannot be altered without destroying what has been built. To both positions, the United States acquiesced. Not even during the famous Kennedy round of trade negotiations were our farmers' interests protected.

Now we have a rare second opportunity to demand our agricultural trade rights. The current review of monetary and trade policy by the world's major trading nations offers the chance to obtain rectification of the CAP. We should seize it. While it cannot be expected and would not be desirable for these discussions to place the same value on our agricultural trade rights as must be placed on a new world monetary system, specific trade policies should be brought under review and the CAP must receive the highest priority.

It is expected that Denmark, Ireland, Norway, and the United Kingdom will shortly enter the EEC. This development while on the whole beneficial to Europe as well as the United States, will certainly aggravate our existing agricultural export problem unless the CAP is changed. Last year the United States sold almost $\$1\frac{1}{2}$ billion of commodities to the four applicants. Though the United Kingdom and the other three are not now completely free markets for American agricultural exports, their trade policy is considerably more open than that of the six. Once the applicants move behind CAP barriers, however, the situation will change.

A dramatic example on the effects of United Kingdom entry was recently published by a group at Michigan State University. Assuming that CAP would not be altered before 1980, and would apply to the United Kingdom, the group estimated that the United Kingdom, a net importer of 9 million metric tons of grains in 1970–71 would in 10 years become a net exporter of grains. While these figures are only estimates, they do not bode well for American agriculture.

When the four applicants enter the expanded Common Market, the GATT contracting parties must examine the terms of entry. In all likelihood such a meeting will occur in 1972. This event presents the United States with another golden opportunity to seek revision of CAP. Rather than pushing the issue aside as has been done in the past however, we must vigorously pursue our agricultural trade rights. If we do not, it would be impossible to estimate the damage that will be done to the American agricultural economy before a similar situation presents itself.

Mr. Speaker, the United States must demand that which is rightfully ours. No longer should the economic well-being of our farmers, ranchers, and growers be sacrificed in the name of European integration. There is no need for it. The EEC is doing very well for itself. It is not fragile or delicate. Why then should we continue to subsidize at our own great sacrifice that which will be achieved in any case?

American agricultural producers are among the world's most efficient; in a large number of commodities, they are

the most efficient. Even during periods of inflation, their increases in productivity have far surpassed any small price rises achieved. Their efforts have made possible over $7 billion worth of foreign sales in the past fiscal year alone. Agriculture has been one of the few areas with a significant favorable balance of trade. It seems inconceivable, therefore, that an industry demonstrating such success should not receive the vigorous support of the American Government in trade negotiations.

Mr. Speaker, the CAP is an unfair policy adversely affecting our farmers, ranchers, and growers and our economy as a whole. It is time we demand rectification. I hope, as do the cosponsors of this resolution, that the President will pursue our objective with total commitment.

TABLE 1.—SELECTED U.S. AGRICULTURAL EXPORTS TO THE EEC—FISCAL YEARS 1961–71

[In thousands of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Wheat and wheat products	120,412	121,450	41,950	98,934	40,557	105,423	99,131	87,854	86,001	48,303	88,337
Feedgrains	196,543	271,590	274,324	278,161	377,741	538,016	368,547	391,693	268,896	246,948	348,398
Rice	11,369	17,170	13,022	15,569	9,817	14,910	22,255	25,545	27,554	32,225	20,802
Soybeans—cake and meal	132,093	178,426	212,842	246,578	295,944	375,201	438,971	576,678	437,587	558,952	707,206
Tobacco—unmanufactured	86,798	104,529	103,115	105,702	104,064	105,000	153,994	124,095	147,042	135,282	160,011
Cotton—excluding linters	265,745	157,093	86,847	191,148	127,227	53,721	84,004	70,177	29,989	18,179	35,071
Poultry meat	29,892	60,846	27,414	33,370	29,623	28,785	23,367	16,639	11,996	10,618	10,278
Fruits and vegetables	60,444	80,734	96,017	88,362	88,234	99,235	92,468	64,852	68,508	91,321	97,165
Dairy	5,078	3,790	8,601	42,196	45,044	19,090	1,683	1,073	1,015	1,442	881
Total (all commodities)	1,100,767	1,184,016	1,069,605	1,332,907	1,370,947	1,593,589	1,509,935	1,402,883	1,299,938	1,410,810	1,765,869

Source: Department of Agriculture.

TABLE 1A.—SELECTED U.S. AGRICULTURAL EXPORTS TO THE 4 APPLICANTS (DENMARK, IRELAND, NORWAY, UNITED KINGDOM), FISCAL YEARS 1961–71

[In thousands of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Wheat and wheat products	29,999	36,051	7,677	39,856	8,024	53,943	48,278	20,215	6,051	37,601	73,724
Feed grains	121,006	150,797	124,248	109,493	114,263	143,483	107,317	96,970	68,518	81,925	82,542
Rice	3,397	6,039	7,403	7,051	6,347	6,790	10,457	10,881	10,705	11,946	11,349
Soybeans—cake and meal	38,735	43,760	68,847	65,000	78,446	84,385	85,970	86,784	66,741	76,178	120,483
Tobacco, unmanufactured	165,295	157,089	132,472	157,748	143,920	117,535	194,887	188,240	158,559	184,814	155,069
Cotton, excluding linters	64,510	42,734	22,937	37,320	26,909	20,328	21,553	17,955	7,414	5,190	13,551
Poultry meat	1,020	974	1,116	1,243	1,491	2,019	2,090	1,760	1,389	1,048	1,247
Fruits and vegetables	49,686	63,524	66,686	59,231	71,053	61,477	62,836	49,527	44,370	52,390	40,451
Dairy	599	625	1,168	3,849	7,799	1,518	2,268	2,073	1,734	1,674	3,998
Total (selected exports)	474,247	501,592	432,554	480,791	458,252	491,478	535,658	474,415	365,481	452,766	502,414

Source: Department of Agriculture.

TABLE 3.—EXPORT SUBSIDIES FOR EEC GRAINS PER METRIC TON FOR THE WEEK OF JUNE 13, 1968, RELATIVE TO THE BASIC TARGET PRICES

Kind of grain—Destination	Subsidy	Basic target price	Subsidy relative to basic target price (percent)
Soft wheat:[1]			
United Kingdom	$51.45	$106.25	48
Austria, Liechtenstein, and Switzerland	52.50	106.25	49
Other 3d countries	55.00	106.25	51
Durum Wheat: All 3d countries	57.50	125.00	46
Rye:[1] All 3d countries	36.50	93.75	38
Barley:			
Zones III B, IV C[2]	43.00	91.25	47
Zone V C[3]	44.50	91.25	48
Other 3d countries	41.30	91.25	45
Corn:[4]			
Austria, Liechtenstein, and Switzerland	37.57	90.63	42
Other 3d countries	39.00	90.63	43

[1] Not denatured.
[2] Zone III B is Romania, Bulgaria, and U.S.S.R. Black Sea ports. Zone IV C is South America.
[3] Zone V C is other countries and territories of Asia and Oceania, that is other than Zone V A which is the Arabian Peninsula, Iraq, Iran, Afghanistan, Pakistan, India, Nepal, Ceylon, Burma, and India Ocean Islands.
[4] Excluding seed.
Source: Grains and feed—Quarterly report, January–March 1968, American Embassy, Paris, AGR—90, June 18, 1968.

TABLE 2.—AVERAGE EEC LEVIES FOR SELECTED GRAINS JULY 1967–68

[Dollars per metric ton]

Commodity	Threshold price[1]	Adjusted c.i.f. price[2]	Levy[1]	Ad valorem equivalent[3] (percent)
Wheat	109.13	57.24	51.89	91
Barley	92.00	56.63	35.37	62
Corn	91.38	55.22	36.16	65
Grain sorghum	88.44	54.95	33.49	61

[1] Threshold prices and levies are unweighted averages for 13-month marketing year. Thus, they are only approximate but give an indication of their relative magnitude. Extra month in marketing year results from change from July-June period used previously to August-July period adopted in regulation for unified market.
[2] Calculated from Community data on average threshold prices and levies.
[3] Ad valorem equivalent calculated by dividing the levy by the adjusted c.i.f. price.
Source: Marches Agricole-Prix, Produits Vegetaux, No. 13, Sept. 10, 1968.

WHEAT

The present Six members of the EC bought $83.3 million of U.S. exports of wheat and wheat products in FY 1971. The four applicant countries bought another $73.7 million. Exports to these 10 countries are all dollar sales.

Our exports to the Six are subject to a variable import levy designed to prevent imports from undercutting the very high price support level in the EC. This levy is the difference between world prices and the high internal support price. The levy currently amounts to more than 90 percent of the value of wheat delivered to Rotterdam. High levies, high supports, and rising EC production of wheat helped cut U.S. exports by 53 percent from FY 1966 to FY 1970. In FY 1971 there was a partial recovery of our exports (to 19 percent below the FY 1966 level), as a result of a short crop in the EC. With a record crop in the EC this year, our exports will drop again. In addition, the United States has encountered increasing competition in third markets from heavy EC subsidies on their wheat exports and we can expect more of it.

The adoption of EC policies by the four applicants will mean further reduced accesss to those markets unless the present high levy, high support, high subsidy policy is changed.

FEEDGRAINS

The present Six members of the EC bought $395 million of U.S. exports of feedgrains and preparations in FY 1971. The four applicant countries bought another $84.4 million.

Our exports to the Six are subject to a variable import levy designed to prevent imports from undercutting the very high support price levels in the EC. This levy is the difference between the world price and the high internal support price. The levies currently amount to 50–90 percent of the value of the feedgrains delivered to Rotterdam. High imports levies, high supports, and rising EC production of feedgrains, together with the subsidies to move quantities of wheat into feed uses, helped cut U.S. exports by 54 percent from FY 1966 to FY 1970. In FY 1971 there was a partial recovery of our exports (to 26 percent below the FY 1966 level), as a result of a short crop in the EC. With a record grain crop in the EC this year, our exports will drop again. In addition, the United States has encountered increasing competition in third markets from heavy EC subsidies on their feedgrains exports.

The adoption of EC policies by the four applicants will generally mean a repetition of this pattern, including reduced consumption of feedgrains in favor of cheaper feeding materials, unless the present EC policy of high supports, high levies and high subsidies is changed.

RICE

The present Six members of the EC bought $20.8 million of U.S. rice exports in FY 1971. The four applicant countries bought another $11.4 million.

U.S. exports to the EC are subject to a variable import levy designed to protect EC produced rice. This levy is the difference between world price and the high internal support price. Under the revised EC regulation effective September 1, 1971, the levies have increased 14 percent on round grain and 9 percent on long grain varieties. Most U.S. exports are long grain. This increased levy for long grain amounts to 79 percent of the value of this rice delivered to Rotterdam. We are also losing third country markets as a result of EC export subsidies.

Upon entry in the EC, the U.K., Denmark, Norway, and Ireland will adopt the variable levy. Despite consumer preferences, we can expect a drop in our exports due to the increased price of U.S. rice unless this high levy, high support, high export subsidy policy is changed.

SOYBEANS

The present Six members of the EC bought 43 percent of U.S. exports of soybeans and soybean cake and meal in FY 1971. The four applicant countries bought another 7 percent.

Soybeans and meal now enter the EC without duties or other restrictions. This treatment favors the use of soybean products over high priced EC grains in feed and has led to an 86 percent increase in our exports to the EC from FY 1966 to FY 1971.

The EC, however, has been trying for years to impose duties, taxes, or other restrictions on soybeans and soybean products in part because of their effect on the EC market for grain and for dairy products. Unless the EC policies on grains and dairy are changed, we can expect increased pressures to cut back imports of these products from the United States.

TOBACCO

The present Six members of the EC bought 30 percent of U.S. exports of tobacco in FY 1971. The four applicant countries bought another 29 percent.

Our exports to the Six are subject to a fixed duty and rose 52 percent from FY 1966 to FY 1971. However in 1970, the EC introduced a new tobacco policy with high support prices and the elimination of controls on production. Since these support prices are well above the cost of imported tobacco, duty-paid, the EC pays a premium to EC manufacturers to use domestic tobacco. The premium makes the domestic tobacco up to 30 percent cheaper than in previous years. If surpluses should arise, export subsidies are available to dispose of them. Strong price incentives have thus been provided for increased production and for shift in use away from high quality, high priced, U.S. tobaccos. In addition, the EC grants duty-free entry to tobacco from a number of important African countries.

Continuation of this policy by an enlarged EC will cut deeply into our exports unless the present EC policy is changed.

POULTRY

The present Six members of the EC bought 18 percent of U.S. exports of poultry products in FY 1971. The four applicant countries bought another 2 percent.

Our exports to the Six of poultry meat are subject to variable levies. On broilers, for example, the levies currently amount to about 20 percent of the value of the broilers delivered to Rotterdam.

Our exports to the EC have declined ever since the levy was introduced in 1962, when our total amounted to $54.2 million. The figure in FY 1971 was about 75 percent lower. Our share of the EC market has declined from 36 percent to less than 10 percent. Intra-Community trade had already moved from 31 percent of the total in 1961 to 76 percent in 1967, with the trend leveling off since then.

The EC subsidizes exports of poultry to many markets and these subsidies have cost us sales in Switzerland, Greece, Austria, and other markets.

FRUITS AND VEGETABLES

The present Six members of the EC bought 17 percent of U.S. exports of fruits and vegetables in FY 1971. The four applicant countries bought another 7 percent.

Our exports to the Six are generally subject to fixed duties—more moderate on fresh products than on preparations where rates may be as high as 50 percent. Canned fruit and fruit juice, however, is subject to a variable levy on the added sugar contained in the product. In addition, the EC protects itself against unusually weak markets by extra taxes and by import licenses. Licensing has been applied against U.S. exports of fresh apples and tomato concentrates. In addition, U.S. exports of citrus fruit have been damaged by preferential duty reductions granted to Mediterranean countries.

Moreover, U.S. exports have been affected by subsidies on EC exports to third markets—apples in Scandinavia, tomato products in Canada.

Adoption of EC policies by the applicant countries will mean that U.S. exports will be faced with an expansion of arbitrary nontariff barriers, increased damage from duty preferences, and possibly greater competition from export subsidies unless the current policies are changed.

H. Res. 634

Whereas the European Economic Community is the largest single market for American agricultural exports, thereby contributing to farm income, labor remuneration, and business enterprise in the United States; and

Whereas enlargement of the European Economic Community will create a greater potential market, offering opportunities for expanded benefits to accrue to American agriculture, labor and business; and

Whereas in spite of the aforestated facts, the Community Agricultural Policy of the European Economic Community has materially impaired United States' agricultural exports to the European Economic Community as well as encouraged Third Countries to redirect agricultural trade from traditional markets toward the United States; and

Whereas these impairments have contributed to the current monetary crisis, the present United States' balance of trade and payments position, and imposition of the United States' 10% surcharge; and

Whereas under condition of European Economic Community enlargement, the Community Agricultural Policy threatens to exacerbate the existing unfavorable balances of trade and payments as well as diminish the existing benefits accruing to American agriculture, labor, and business from agricultural exports; and

Whereas the Community Agricultural Policy is not in accord with the spirit of the General Agreement on Tariffs and Trade (GATT), and the basic principles of a fair and equitable system of world trade; and

Whereas considering the confluence of events, namely the current international review of the world monetary and trade situation, the resolution by year's end of the enlargement issue, and the 1972 Article XXIV GATT review of enlargement, the time is propitious to forthrightly approach these matters:

Now, therefore, be it resolved that

1. the President shall vigorously press for reform of the Community Agricultural Policy of the European Economic Community within context of the current international monetary and trade review,

2. the President shall ensure full exercise of the 1972 GATT review of the enlargement issue,

3. the President shall fully exercise United States trade rights in the years ahead to preclude a recurrence of the present trade and monetary situation, and,

4. the President shall file a report with the Speaker of the House of Representatives no later than 90 days after enactment of this resolution, outlining plans for implementation of Sections 1 through 3.

NERO, THE BUREAU OF MINES AND THE SAFETY CRISIS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, while we hear about the so-called energy crisis a serious safety crisis is still occurring underground among the men who mine coal. While coal miners suffer and die, the Nero-like Bureau of Mines continues to fiddle to the clarion call of more production. It is outrageous that the Bureau of Mines has collected less than one-fifth of the more than $6.4 million in fines levied against mine operators for violations of the mine health and safety laws.

I have written a letter to Director Elburt F. Osborn of the Bureau of Mines concerning the failure to enforce the law. The letter follows along with an article by Lawrence E. Taylor, which appeared in the September 23, 1971, issue of the St. Louis Post-Dispatch on this shocking situation.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1971.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines, Department of the Interior, Washington, D.C.

DEAR DR. OSBORN: I have become increasingly disturbed by the lack of progress of your Bureau in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969. Congress intended that these penalties would encourage coal mine operators to be more health and safety oriented in the production of coal with the end result that the coal miner would be safer and healthier. But if the Bureau continues its lackadaisical pace in assessing and collecting penalties, the coal operators will have little incentive to institute and enforce health and safety in the mines.

I understand that the Bureau has assessed over $6.4 million in penalties but still has a huge backlog of violations for which assessments are warranted. Moreover, I also understand that less than $900,000 of this total assessment has been collected.

One very significant reason for this lack of progress is that the Bureau has failed to hire sufficient personnel to do this job. I understand that only three people have been assigned by the Bureau regularly to this task of assessing and collecting civil penalties and that it was officially stated that at least 15 people are needed.

I cannot understand how the law can be enforced if these conditions persist. I would appreciate hearing from you soon as to what steps the Bureau will take to hire the necessary people for this task.

Sincerely,

KEN HECHLER.

FINES NOT COLLECTED BY BUREAU OF MINES
(By Lawrence E. Taylor)

WASHINGTON, Sept. 23.—The Federal Bureau of Mines has collected only 18 per cent

of the more than $5,000,000 in fines levied against coal mine operators accused of violating mine health and safety laws, federal records show.

The poor collection performance apparently was caused by delays and bureaucratic fumbling that increased doubts about the bureau's enforcement of the laws designed to cut fatalities and accidents in underground coal mines.

In an investigation of the bureau's collection of fines, it was learned that:

(1) A five-month lapse occurred between the time some fines became due and the sending of collection letters to mine operators in July.

(2) The bureau's assessment division, which levies fines, sends out collection letters and prepares cases for legal action, has only three assessors. Bureau officials conceded that there should be 15 assessors to do the job.

(3) Bureau officials did not hire additional assessors early this year when it was apparent they were needed if enforcement of the laws was to proceed. The excuse for this was that new, untrained assessors would only get in the way.

(4) An involved collection procedure, with letters mailed to mine operators over a 90-day period, was being followed strictly, even though federal regulations said this much paperwork was unnecessary in cases where "further demand would be futile."

The mine safety law went into effect in April 1970, but because of a federal court injunction obtained by mine operators, the first fines were not imposed until February 1971.

Since February, the bureau has collected $880,000 out of a total of $5,076,000 in fines. The bureau had levied fines totaling $6,478,000, but these were reduced after operators complained that some were unfair or too high.

Whatever the case, there is $4,196,000 now in unpaid fines that the bureau has not taken court action to collect. Part of this amount was assessed recently, and processing has not begun.

The situation is better in Illinois than in the rest of the nation. Illinois mine operators have been fined a total of $156,825 and have paid $66,895 of that, or about 44 per cent. Initially, fines against Illinois mines amounted to $216,855, but some had been reduced. The fines were for failure to eliminate mine hazards.

Altogether, the three-man assessment team at the bureau has set fines for more than 48,000 law violations in 3300 cases. About 1300 cases remain to be processed by the assessors, with more coming in daily.

In addition to deciding how large fines should be for each violation, the assessors must also handle complaints, send out collection letters and prepare cases for legal action.

Everett Turner, the bureau's chief assessment officer, said that the volume of work was more than the staff could handle.

"A lot of the delay has been in my office because of a lack of qualified persons and assessors," he said. "It is kind of a losing battle."

Why were not more assessors hired? Edward D. Failor, an assistant to the bureau's director, said that he had made a judgment in priorities. When assessment finally began in February, the work had to be done quickly, he said.

"Hiring untrained persons to be assessors would have delayed things several months," he said. "Our judgment was that they would only get in the way. That was my judgment."

At the same time, the bureau was suffering from a lack of mine inspectors also. It used a different approach to the inspector problem, however, by hiring hundreds of men and putting them through crash training.

Failor said that no training program had been established for assessors, although one was being set up.

He said that a qualified assessor should be a lawyer with coal mine experience, a standard that admittedly would be almost impossible to meet.

Some other bureau officials, experienced in coal mine work, disputed this. They said that assessment regulations for health and safety violations had been drafted so that lawyers would not be needed to make the decisions.

Rather than lawyers, the officials said, what were needed were men with experience in coal mining. Any legal questions that arose could be answered by lawyers in the assessment office or in the Department of Interior's solicitor's office.

Failor, an Iowa lawyer and Republican fund-raiser before he came to work for the bureau less than a year ago, had no prior coal mine experience.

When questioned about his qualifications for the job in an interview last spring, he replied that a good lawyer should be able to absorb large amounts of information quickly and become familiar with the subject at hand.

He had no response when asked why this same principle could not have been applied to lawyers the bureau could have hired as penalty-assessors.

Failor said that the bureau should have 15 assessors, five times the number employed now. He said that some applicants had been interviewed but that bureaucratic delays and civil service requirements had held up their appointments.

While this has been going on, the bureau has fallen still further behind in enforcing the health and safety laws.

Assessor Turner said that when the first batch of violations and fine notices went out to mine operators in February, some made no response within the 15-day period required by regulations.

According to the regulations, the bureau should have sent out strongly worded letters to those offenders ordering them to pay the fines.

But because the assessors were swamped with setting fines on other violations, and because there apparently was some confusion among lawyers in the Department of the Interior, no letters went out until July.

Since then, the bureau has adhered closely to a federal regulation that calls for sending three collection letters in a 90-day period.

Robert Long, an associate solicitor for mine health and safety, said that the federal collection regulations had to be followed closely, otherwise there could be difficulties in collecting the fines in subsequent civil court actions.

Regulations however, contradict this. They call for three letters to be sent "unless a response to the first or second demand indicates that further demand would be futile."

The regulations written by the Department of Justice, said: "The failure of an agency to comply with any provisions of the chapter shall not be available as a defense to any debtor (in court)."

Currently, the bureau is plodding along, having recently sent the second series of collection letters. After an additional 30 days, there will be another letter and 30 days later the cases may be referred for court action.

In the meantime, many coal mines against which fines were assessed have not paid.

In addition to the cases in which mine operators have failed to pay, 400 cases have been referred to the bureau's board of hearing examiners. Of these, 36 have been ruled on and closed.

The others are in the process of being set for hearing.

The remainder of the 3300 cases—about 2400—are the subject of protests, negotiations or delays. Some have been paid. Officials said that small fines often were paid without objections.

It is large fines, involving the most flagrant violations, that often are delayed, they said, either because of lawyers' stalling tactics or because of the bureau's slow procedures.

Representative Ken Hechler (Dem.), West Virginia, told the Post-Dispatch that the failure to collect fines was "another example of the higher priority the Nixon Administration seems to place on the production and profits of the coal industry instead of the safety of the coal miners.

"Only when these fines are actually collected, as well as assessed, will it become more expensive for the coal operators to violate safety regulations."

Hechler, an outspoken mine safety advocate, said that the Administration "could certainly hire a few persons to collect these fines and protect the lives of the men who work in the coal mines."

STATE REGULATION OF STRIP MINING A MEANINGLESS JOKE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in a total, blatant, outrageous disregard for the public interest, strip mine coal operators in Virginia have succeeded in gouging out two important provisions in the proposed revision of Virginia's strip mining law. The following article from the September 30 Washington Post by Hank Burchard gives the details of this sordid chapter, which points up the way the strip mine operators control State government at the expense of the public interest.

One provision would strip from the proposed revision the requirement that the public be informed of all applications for strip mine permits. The people certainly have the right to know in advance if a strip mine coal operator is going to move in and devastate the land. The second provision deleted would tax strip-mined coal to pay for the restoration of 24,900 acres of unreclaimed "orphaned land" mined before 1966 when strip mines were unregulated.

This flouting of the public interest by the Virginia strip mine coal operators shows the crying need for Federal regulation when an industry such as the coal industry gets too big for a State to control. The tail has been wagging the dog too long.

The article follows:

VIRGINIA STRIP MINE CONTROL

(By Hank Burchard)

After private meetings with strip mine operators, and prior to a scheduled public hearing, Virginia officials have deleted two major sections of a proposed revision of the state's strip mining law.

The sections would require public notice of all applications for strip mine permits and would tax strip-mined coal to pay for restoration of lands mined before 1966, when strip mines were unregulated.

Strip mining operations in Virginia, a major coal-producing state, are located in the southwest area of the state. Coal produced by strip mining is a minor, but increasing, part of all the coal mined in the state.

The two deleted sections were described as "very important features of the proposal" by Gerald L. Baliles, the assistant Attorney General who drafted the amendment at the request of the State Department of Conservation and Economic Development.

Baliles said his draft would have made Virginia's strip mine regulations similar to

those recently adopted or under consideration in adjoining states.

Charles A. Christopherson, deputy director of the department, to whom all questions on the matter were referred, refused yesterday to make any comment.

Christopherson was quoted in yesterday's editions of The Richmond Times-Dispatch as conceding that requiring publication of strip mining permit applications would make it easier for the public to find out about pending mining operations.

He said he "questioned just how many people would be interested enough to wade through newspaper classified advertisements" for the notices.

Under the existing law, interested persons must apply for the information to the Division of Mined Land Reclamation, whose offices are located in Big Stone Gap in southwest Virginia.

Christopherson also acknowledged that unannounced conferences to discuss the amendments to the law had been held.

Attending were state officials and representatives of the Virginia Mining Association and the Virginia Surface Mining and Reclamation Association. Both associations are made up of coal mine owners and operators.

A public hearing on the amendments is set for Oct. 15 at Clinch Valley Community College near Wise.

Gerald P. McCarthy, executive director of the (Virginia) Governor's Council on the Environment, reported yesterday that the state has 24,900 acres of "orphan lands"—lands stripped before 1966 and not reclaimed.

Strip mining is a major and growing source of coal for the generation of electric power, the demand for which now doubles every 10 years.

McCarthy said the regulation of strip mining in the six Southwestern counties "is a major problem and is bound to present increasing problems of enforcement and reclamation. I would like to see as much public information and public debate as possible on all aspects of it."

Detailed comparison of the present proposed amendments with the official draft drawn up by Baliles has not been possible because the Conservation and Economic Development Department has refused to release Baliles' draft. Baliles said he himself could not do so because of his lawyer-client relationship to the department.

Baliles said his version, developed through research and on-the-spot observation, would have given the department broad powers to prevent spoilage of streams and to require restoration of stripped lands.

Besides publishing his intention to strip mine, the operator would have been required to submit a detailed plan of operations and stick to it.

Christopherson said the issue of public notice "is something we will have to get into in the hearing." It could be put back into the proposed law before a bill is submitted to the General Assembly.

The propcsal must first be approved by the Board of Conservation and Economic Development, and also is subject to review by Gov. Linwood Holton.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE, for October 6, 7, 8, and 9, on account of official business.

Mr. LUJAN (at the request of Mr. GERALD R. FORD), on account of illness in family.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week on account of medically ordered recuperation.

Mr. WIDNALL (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. STEIGER of Wisconsin (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. NIX), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PEYSER), and to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON of New York, for 10 minutes, today.

Mr. KYL, for 10 minutes, today.

Mr. VEYSEY, for 30 minutes, today.

Mr. HORTON, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY), and to revise and extend their remarks and include extraneous matter:)

Mr. ECKHARDT, for 60 minutes, today.

Mr. FRASER, for 10 minutes, today.

Mr. REUSS, for 60 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FULTON of Tennessee, for 60 minutes, today.

Mr. RYAN, for 10 minutes, today.

Mr. ALEXANDER, for 30 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

All members, at the request of Mr. BENNETT, to revise and extend their remarks on H.R. 10422.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. THOMPSON of New Jersey in five instances and to include extraneous matter.

Mr. JONES of Alabama and to include three editorials.

Mr. JOHNSON of California, during consideration of H.R. 9890 under suspension of the rules today.

Mr. MCCLURE to revise and extend his remarks on H.R. 10203.

(The following Members (at the request of Mr. PEYSER) and to include extraneous matter:)

Mr. MCCLOSKEY.

Mr. BROYHILL of Virginia.

Mr. GUDE in three instances.

Mr. MCCLORY in three instances.

Mr. MYERS in two instances.

Mr. HOSMER in four instances.

Mr. CEDERBERG.

Mr. VEYSEY.

Mr. ESHLEMAN.

Mr. SCHERLE in 10 instances.

Mr. MICHEL in five instances.

Mr. BELL.

Mr. SPRINGER.

Mr. KING in five instances.

Mr. CARTER in five instances.

Mr. SCHWENGEL in four instances.

Mrs. HECKLER of Massachusetts in three instances.

Mr. DERWINSKI in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. DAVIS of Wisconsin.

Mr. RIEGLE.

Mr. WYMAN in two instances.

Mr. ZWACH.

Mr. ROBINSON of Virginia.

Mr. ROBISON of New York.

Mr. MILLER of Ohio in two instances.

Mr. BUCHANAN.

Mr. SNYDER.

Mr. BAKER.

Mr. LANDGREBE.

Mr. MCCLURE in two instances.

(The following Members (at the request of Mr. MCKAY and to include extraneous material:)

Mr. MAHON in two instances.

Mr. ALBERT in two instances.

Mr. CAREY of New York.

Mr. BOLAND.

Mr. CELLER.

Mr. DRINAN in two instances.

Mr. REUSS.

Mr. FRASER in two instances.

Mr. MILLS of Arkansas in two instances.

Mr. ROSTENKOWSKI.

Mr. BURKE of Massachusetts in three instances.

Mr. CONYERS in 10 instances.

Mr. CORMAN in five instances.

Mr. RYAN in three instances.

Mr. COTTER.

Mr. FUQUA.

Mr. BROOKS.

Mr. RODINO.

Mr. GONZALEZ in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. BINGHAM in two instances.

Mr. RANGEL in two instances.

Mr. ROSENTHAL in two instances.

Mr. WALDIE in three instances.

Mr. EDWARDS of California in three instances.

Mr. RARICK in three instances.

Mr. EILBERG.

Mr. FISHER in three instances.

Mr. DULSKI in six instances.

Mr. JACOBS in two instances.

Mr. DAVIS of Georgia in five instances.

Mr. PICKLE in four instances.

Mr. ANDERSON of California in three instances.

Mr. HAMILTON in two instances.

Mr. BEGICH in five instances.

Mr. HARRINGTON.

Mrs. GRIFFITHS in two instances.

Mr. GREEN of Pennsylvania.

Mr. FASCELL in two instances.

Mr. HAGAN in three instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 157. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that

committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 1, 1971:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

On October 4, 1971:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 5, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1181. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain officers of the Army or Air Force Reserve their employment as, and retention in, an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes; to the Committee on Armed Services.

1182. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 72-4, authorizing the furnishing of various defense articles and services to a foreign country, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1183. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1184. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1185. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1186. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in a certain case, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1187. A letter from the Secretary of the Treasury, transmitting a report on the bonding of officers and employees of Federal departments and establishments, covering fiscal year 1971, pursuant to 6 U.S.C. 14; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

1188. A letter from the Comptroller General of the United States, transmitting comment on the report of the Director of the Office of Management and Budget and the Secretary of the Treasury on progress in the development and maintenance of standard classifications for programs, activities, receipts, and expenditures of Federal agencies and the development and maintenance of a standardized information and data processing system for budget and fiscal data, pursuant to title II of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1189. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the leasing of Federal lands for agricultural purposes by the Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 11054. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to reservists serving in an inactive status before August 16, 1945, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 11055. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 11056. A bill to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the unique values of the Barataria region of Louisiana, and for other purposes, to be known as the Jean Lafitte National Cultural Park; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 11057. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 11058. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 11059. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health, manpower, and facilities; to the Committee on Ways and Means.

By Mr. HAYS (for himself, Mr. THOMPSON of New Jersey, Mr. ABBITT, Mr. NEDZI, Mr. BRADEMAS, and Mr. BINGHAM):

H.R. 11060. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 11061. A bill to establish a Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

H.R. 11062. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 11063. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 11064. A bill to amend title 10 of the United States Code in order to make the minimum age of enlistment in the Armed Forces the same for both male and female persons, and for other purposes; to the Committee on Armed Services.

By Mr. LONG OF MARYLAND:

H.R. 11065. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties; to the Committee on Banking and Currency.

By Mr. MACDONALD of Massachusetts (for himself and Mr. VAN DEERLIN, Mr. ROONEY of Pennsylvania, Mr. BROWN of Ohio, and Mr. FREY):

H.R. 11066. A bill to amend the Federal Power Act to establish procedures designed to balance reasonable power needs and reasonable environmental factors in planning and authorizing the construction and operation of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 11067. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 11068. A bill to amend title 38, United States Code, to authorize the extension of nursing care benefits to veterans in the territory of Guam; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 11069. A bill to prohibit display of the flags of the Vietcong and the Government of North Vietnam; to the Committee on Judiciary.

By Mr. ASPIN:

H.R. 11070. A bill to amend title 10 of the United States Code to provide for the awarding of a clasp for the Asiatic-Pacific Campaign Medal to identify holders thereof who

were on active duty at Pearl Harbor on December 7, 1941; to the Committee on Armed Services.

By Mr. ARCHER:

H.R. 11071. A bill relating to compensation in the case of disability or death of marine petroleum workers; to the Committee on Education and Labor.

By Mr. BLACKBURN:

H.R. 11072. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 11073. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 11074. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 11075. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

H.R. 11076. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 11077. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PRICE of Texas (for himself, Mr. CAMP, Mr. COLLINS of Texas, Mr. EDMONDSON, Mr. FISHER, Mr. PASSMAN, Mr. RARICK, Mr. SEBELIUS, Mr. SHRIVER, and Mr. WARE):

H.R. 11078. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 11079. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. ULLMAN (for himself, Mr. ASPINALL, Mr. JOHNSON of California, and Mr. DON H. CLAUSEN):

H.R. 11080. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 11081. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H.R. 11082. A bill to amend title IV of the Social Security Act to increase the amount of Federal reimbursement to States under the aid to families with dependent children program for the cost of locating and securing support from parents who have deserted or abandoned their children receiving aid under such program, and to provide that the State welfare agencies may utilize the services of private collection agencies and similar organizations and entities in locating such parents and securing support for such children; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. BROYHILL of North Carolina, Mr. MEEDS, Mrs. DWYER, Mr. PASSMAN, Mr. SCHWENGEL, Mr. SKUBITZ, Mr. WIGGINS, Mr. EDMONDSON, Mr. BELCHER, Mr. STEED, Mr. CRANE, and Mr. JARMAN):

H.J. Res. 911. Joint resolution authorizing the President to proclaim the week of April 2 through 8 of 1972 as "National Future Business Leaders of America and Phi Lambda Week"; to the Committee on the Judiciary.

By Mr. POFF (for himself, Mr. FOUNTAIN, Mr. ABBITT, Mr. BROYHILL of Virginia, Mr. JONAS, Mr. LENNON, Mr. DOWNING, Mr. TAYLOR, Mr. HENDERSON, Mr. BROYHILL of North Carolina, Mr. JONES of North Carolina, Mr. SATTERFIELD, Mr. WAMPLER, Mr. GALIFIANAKIS, Mr. SCOTT, Mr. DANIEL of Virginia, Mr. MIZELL, Mr. PREYER of North Carolina, Mr. RUTH, Mr. WHITEHURST, and Mr. ROBINSON of Virginia:

H.J. Res. 912. Joint resolution granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.J. Res. 913. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. RYAN:

H. Con. Res. 414. Concurrent resolution expressing the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor or near poor should be exempt from any wage freeze under the Economic Stabilization Act of 1970, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H. Res. 633. Resolution providing for the printing of additional copies of the committee print entitled "Review of SEC Records of the Demise of Selected Broker-Dealers"; to the Committee on House Administration.

By Mr. THOMSON of Wisconsin (for himself, Mr. ANDREWS of North Dakota, Mr. BEVILL, Mr. BRINKLEY, Mr. BROWN of Michigan, Mr. BROYHILL of North Carolina, Mr. BURLESON of Texas, Mr. FINDLEY, Mr. HANSEN of Idaho, Mr. HARVEY, Mr. HUTCHINSON, Mr. LANDGREBE, Mr. McCOLLISTER, Mr. MARTIN, Mr. MAYNE, Mr. MICHEL, Mr. MONTGOMERY, Mr. MYERS, Mr. NELSEN, Mr. NICHOLS, Mr. PERKINS, Mr. PRICE of Texas, Mr. QUIE, Mr. SCHERLE, and Mr. SCOTT):

H. Res. 634. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin (for himself, Mr. SIKES, Mr. SHRIVER, Mr. SKUBITZ, Mr. TEAGUE of California, Mr. TERRY, Mr. THONE, Mr. VEYSEY, Mr. WAGGONNER, Mr. WINN, Mr. ZWACH, Mr. CARTER, and Mr. ROBINSON of Virginia):

H. Res. 635. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Wisconsin presented a bill (H.R. 11083) for the relief of the estate of William C. Kirsten, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

UNHOOKING ADDICTS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the EXTENSIONS OF REMARKS a serious article written by Mr. Jerry Finkelstein, published as an editorial in the New York Law Journal, and reprinted as a column in The New York Times on September 11, 1971. There is no more vital a domestic problem facing the American society than that of drug addiction and drug abuse. Mr. Finkelstein's proposal calling for a "Manhattan Project" to end the drug menace is one that deserves serious attention, and I am delighted that this talented man is putting his energies and his mind to work addressing itself to that problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1971]

UNHOOKING ADDICTS

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be co-opted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug