ADJOURNMENT UNTIL FRIDAY, OCTOBER 15, 1971, AT 11 A.M.

Mr. BYRD of West Virginia. 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 11 a.m., on Friday.

The motion was agreed to; and (at 1 o'clock and 35 minutes p.m.), the Senate adjourned until Friday, October 15, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1971:

U.S. DISTRICT COURTS

William C. Stuart, of Iowa, to be a U.S. district judge for the southern district of Iowa, vice Roy L. Stephenson.

AMBASSADOR

Fred J. Russell, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

W. W. Little, of Arizona, to be a Member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1976. (Reappointment)

HOUSE OF REPRESENTATIVES—*Wednesday, October 13, 1971*

The House met at 12 o'clock noon.

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

Whosoever will save his life shall lose it: and whosoever will lose his life for My sake shall find it.—Matthew 16: 25.

Eternal God, who committest to us the swift and solemn trust of life: Since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy will, not waiting for tomorrow, but yielding today. Consecrate with Thy presence the way our feet may go that the humblest work may shine and the rough places be made smooth. Lift us above unrighteous anger and undue mistrust into faith, hope, and love by a simple and steadfast reliance upon Thee.

Through our oneness with Thee make us one with our fellowmen across all boundaries of color, creed, and culture. May our sympathies be wide, our loyalties high, and our devotion deep. In this day give to us and to our Nation light to lead us, strength to support us, and love to unite us.

In the mood of the Master 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 29, 1971:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

On September 30, 1971:

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

On October 5, 1971:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961; and

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commission for the fiscal year ending June 30, 1972, and for other purposes.

MESSAGE FROM THE SENATE

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

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2652. An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

THE LATE HONORABLE HENDERSON H. CARSON

(Mr. BOW asked and was given permission to address the House for 1 minute.)

Mr. BOW. Mr. Speaker, it is with sadness I rise today to advise the House of the passing of a former Member of this body, one of my predecessors from the 16th Congressional District of Ohio and a very dear friend.

Henderson H. Carson, who was a Member of this body in the 78th and 80th Congresses, passed away in our home city of Canton last week.

When Mr. Carson was a Member of this body he was an important member of the House Committee on Interstate and Foreign Commerce, where he played a great and important role in the legislation affecting natural gas.

Mr. Carson was a native of Cadiz, Ohio. He was an Army veteran of World War I. He was a graduate of the Cleveland School of Law and Baldwin-Wallace College.

He began practicing law in Canton, Ohio, in 1922. He had also served in the legal department of the Pennsylvania Railroad. He was a very active member of the Ohio bar.

He shall be missed in our community.

He is survived by his widow, Ella W. Carson, and two daughters, Mrs. Leonard Snyder, of New Philadelphia, Ohio, and Mrs. Frank Condit, of Brecksville, Ohio.

Mrs. Bow and I extend to Mrs. Carson and the other members of the family our deep sympathy of the passing of this fine man. I am sure those who served with Henderson Carson during the 78th and 80th Congresses will join with me in sorrow at the passing of this fine and outstanding gentleman.

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

Mr. BOW. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I wish to share in the views, observations, and expressions of sympathy set forth by the gentleman from Ohio. I, too, served with Mr. Carson. I did not know him as intimately as the gentleman from Ohio, but he was a good friend and a fine legislator.

I join in extending to his family our deepest sympathy.

Mr. BOW. I thank our distinguished minority leader.

GENERAL LEAVE

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to express their views on life, character, and service of the late Honorable Henderson H. Carson.

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

There was no objection.

THE LATE HONORABLE DEAN ACHESON, FORMER SECRETARY OF STATE

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to note with sadness the passing of a great American statesman, Dean Acheson.

Many of the Members of this body knew Mr. Acheson not only as one of the men who put together a coalition of

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powers to restore liberty and freedom in Europe and elsewhere in the world at the conclusion of World War II and during the period of the war in Korea but also as a man of deep affection for his fellow man, with a keen sense of devotion to his country, and a ready, willing, and able wit.

Mr. Acheson fought many battles here in the Congress of the United States and before the committees of the Congress. After he left Government officially he maintained an active and vital interest in the affairs of our country and was helpful to many Presidents, Republicans as well as Democrats. I think he set an ideal to which young Americans can aspire, and his passing is one that will be noted not only here but all over the world where free men gather.

I am indeed sorry that he has left us. I am glad that his ending was peaceful and without pain.

I join with the other Members in extending to his lovely wife and fine family our deepest condolences.

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

Mr. BOGGS. I am very happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I learned of the passing of Dean Acheson yesterday when I was in Wichita, Kans.

Although he and I have had differences from time to time, I think with the death of Dean Acheson America lost a man of great strength and the world has lost a stanch defender of freedom.

Dean Acheson was first and foremost a champion of the God-given rights of man. That is the philosophy which, as I understood it from reading his works and hearing his words, inspired him as he grew up and implemented the policies which produced the North Atlantic Treaty Organization.

He was tough at a time when the world had a great need for tough men. He was an incomparable adviser to the President at that time on foreign affairs at the time when he was Secretary of State. I think history will show that he was equally effective as an adviser to other Presidents including the present President.

The United States, in my judgment, will keenly feel the loss of this outstanding man.

I join the distinguished majority leader in extending to his family our deepest condolences.

Mr. BOGGS. I thank the distinguished gentleman.

I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it has been my privilege as a student of American history and as a Member of this institution to know something of most of the people of note in our history either directly or indirectly. I think it is not an exaggeration to say that Dean Acheson will do so well in the history books of the future that he will occupy a larger place than many Presidents of the United States.

He was one of the most remarkable intellects of our time, a brilliant lawyer, an independent thinker, and a man with all of the qualities one could desire in a Secretary of State.

I am convinced that when his contribution to the welfare of the people of the United States in this decade and even in this century is evaluated he will rank ahead of most others in the history of the United States and in particular in this era.

I thank the gentleman and I join with him in extending my deepest condolences to his family.

DEPARTMENT OF AGRICULTURE AXES SCHOOL LUNCH PROGRAM

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, that hunger and malnutrition should exist at all in a society as rich as ours is unconscionable. But what is even less justifiable is the failure of the Federal Government to respond to the plight of thousands of young children trapped in poverty by insuring that they get enough to eat.

Last week, the Department of Agriculture announced that it has lowered the eligibility ceiling for the school lunch program to $3,940 for a family of four. This decision will cut off free lunches for some 350,000 of the 390,000 New York City schoolchildren now being provided these lunches. Nationwide, it is estimated that 1 million children will be forced out of the program.

Surely this runs directly counter to the avowed commitment of President Nixon on May 6, 1969, when he stated that "the moment is at hand to put an end to hunger in America itself for all time." Yet, rather than broadening the school lunch program to meet the problems of hunger and malnutrition in our schools, the Department of Agriculture is slashing it, thus perpetuating these problems.

Therefore, I am calling upon the Secretary of Agriculture to cancel the decision to lower the eligibility ceiling and to insure that no child now receiving the benefits of the school lunch program be adversely affected by any administrative action.

CHILEAN GOVERNMENT'S REFUSAL TO COMPENSATE U.S. MINING FIRMS FOR PROPERTY EXPROPRIATED MUST BE OPPOSED BY THE U.S. GOVERNMENT

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the refusal by the Chilean Government to compensate U.S. mining firms for property expropriated in that country's nationalization of its copper mines must be staunchly opposed by the U.S. Government.

American law provides for reprisals in the form of cutting off economic and military assistance to any country that does not promptly and fully compensate firms for their expropriated investments.

However, the State Department's previous record in similar matters is not exemplary. Peru and Equador have been seizing U.S. fishing vessels operating well beyond the internationally recognized fisheries limit for several years. Yet, the present administration has refused to cut off foreign aid to these countries or to reduce such aid by the amount of fines levied on or damage done to U.S. vessels.

Mr. Speaker, I sincerely hope that retaliation against Chile is swift and sure. I would remind those who want to ignore this expropriation as just the "growing pains" of a young nation that Cuba, too, was once our friend and ally. Castro was regarded as a great hero, but once in power his attitudes toward things United States changed drastically.

So, too, the Allende regime in Chile may be playing the United States for a patsy. What is to fear from a government that will pay any price for another nation's friendship? Socialist countries have a basic ideology in contradiction to American democracy. With that in mind, any price may buy only an empty box of bargains and leave us with an empty treasury to boot.

THE PRESIDENT'S TRIP TO RUSSIA

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on his decision to accept the invitation to visit the Soviet Union next spring. I think this decision, taken together with his intention to visit China, is a clear indication of his genuine desire to forge a generation of peace and make the transition from an era of confrontation to an era of negotiation. While the President has properly cautioned us against expecting the millennium to flow directly and immediately from either of these visits, I do think this high level summitry will help to strengthen the lines of communication between us and the Communist powers and thereby hopefully reduce tensions around the world. Let us have no delusions that these visits will once and for all eradicate all differences between us and the Communist powers. Those differences continue to be deep and cannot easily be resolved by these initial high level talks. But it seems to me that the President's initiatives represent a very important first step in the long journey to achieving peace in the world, and as such, these initiatives deserve our full support.

I think the words that are used in a New York Times editorial this morning bear repeating, and I quote:

> What has happened is that new possibilities have been raised for a substantial improvement in United States relations with the other two great world military powers, the Chinese People's Republic, and the Soviet Union. There is no guarantee, unfortunately, that these possibilities will be realized. But, as he journeys to Peking and Moscow in the cause of world peace and international security, Mr. Nixon will need the support of all Americans, regardless of party and irrespective of differences on domestic issues.

Mr. Speaker, I would hope that that support would begin here in the House of Representatives.

PRESIDENT NIXON'S PROPOSED TRIP TO MOSCOW

(Mr. DU PONT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DU PONT. Mr. Speaker, I was delighted to learn yesterday of President Nixon's announcement that he is going to visit the Soviet Union early next year. This trip underscores the President's efforts toward a strategy of negotiation rather than a strategy of confrontation. The Moscow trip continues the outstanding record in foreign policy that President Nixon has been building up since he took office. There is the four-power agreement in Berlin, the fragile peace in the Middle East, the beginning of communication with the People's Republic of China and, above all, the SALT talks and the arms control talks that are now going on. Many of the threads that interweave through these various areas of international tension lead ultimately to Moscow.

I feel sure that this beginning of communications on a high level with the leaders of the Soviet Union will do much to defuse and hopefully unravel many of the serious foreign policy problems facing the United States and the world.

I do not believe that the Moscow trip, any more than the China trip, is going to be a panacea or an end to all international tensions, but both trips certainly are the beginning of serious communication with the makers of foreign policies in other areas of the world.

PRESIDENT NIXON'S PROPOSED TRIP TO MOSCOW

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the announcement by President Nixon that he will follow up his visit to Peking with a summit meeting in Moscow has been welcomed by every American, regardless of his political persuasion. For there can be no partisan politics in the quest for peace if our efforts are to be crowned with success.

Let me call attention to the careful preparations that are preceding Mr. Nixon's visits to Moscow and Peking. This painstaking groundwork suggests that Mr. Nixon's summit efforts may well lead to an ultimate resolution of the major East-West political issues.

The agenda for the Moscow meeting will, of course, depend upon what problems remain unsolved between the United States and the Soviet Union at the time. These will include problems of great moment for the entire world. And so we all, citizens everywhere throughout the world, surely join in a mutual wish that Mr. Nixon's mission to Moscow will be a resounding success.

ON PRESENTING OUR FLAG TO MEADOWS ELEMENTARY SCHOOL OF TERRE HAUTE

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, every Member purchases and gives away a great many U.S. flags each year. Of all the jobs and pleasures associated with being a Member of Congress, I treasure this highest. It always gives me a thrill to present our flag to an appreciative group.

Last Monday, Columbus Day, I had the pleasure to present a flag to Meadows Elementary School of Terre Haute. The spokeswoman and accepting for the school was sixth grader Jill McCrory, daughter of Vigo Superior Judge and Mrs. Charles K. McCrory of Terre Haute.

The following acceptance speech which she gave from memory was written by her. It is so nice and she was so sweet in presenting it that I will share it with you:

SPEECH BY JILL MCCRORY

Through wars and fears
there was one thing,
In which all hope was based,
An emblem in which courage
could be found by all
Who gazed upon its majestic figure;
The flag, its bright colors of
red, white, and blue
So long the symbol of freedom
and justice,
Expresses through glory, through
loyalty and devotion,
The truly great meaning of America.
So, with great pride and admiration,
We humbly accept this gift of honor
And simply give a hundred thanks,
For no words could express
our deep appreciation.

PRESIDENT NIXON'S PROPOSED VISIT TO MOSCOW

(Mr. MORSE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, in his inaugural address on the 20th of January 1969, President Nixon pledged to lead us out of an era of confrontation into an era of negotiation, and once again he has demonstrated his firm intention to fulfill that pledge.

His announcement yesterday of his planned trip to the U.S.S.R. in May of 1972 has revealed once again the President's enormous capacity for creative leadership in foreign affairs, leadership designed to lead us to a generation of peace. In my view his newest initiative, like his earlier ones, commands the respect and support of all Americans.

TRIBUTES TO THE HONORABLE CHARLOTTE T. REID

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, there are "gals and gals and gals," and there is our very own Charlotte Reid.

When she announced that she was resigning from her seat in the House to become a Commissioner on the Federal Communications Commission, all of us, and particularly the Illinois Members of Congress, were both distressed and delighted.

All of us are delighted that Charlotte has been given this new assignment, and we recognize how important it is. The President could not have made a better choice. And she takes with her our very best wishes as she undertakes her new duties and responsibilities.

But for selfish reason, we would have preferred for her to remain in this body where she has rendered such outstanding service for almost 9 years. Her leaving the House is a real loss to us. She has been an outstanding Member of this body. She performed diligently and well on each of her many assignments, particularly as a member of the Committee on Appropriations.

The people of the 15th Congressional District of Illinois are to be congratulated on having selected Charlotte to be their spokesman in the Congress. The people she has represented love her and respect her, and she could have remained in the House as their representative for many, many years.

It is possible that in the proposed redistricting plan in Illinois that I may have the privilege to represent four of the counties she has long represented. Anyone who succeeds Charlotte Reid in representing any part of her district will have the task of trying to measure up to the high quality of representation she has given the area.

Charlotte looks upon service on the Federal Communications Commission as both a challenge and an opportunity. It affords her an opportunity for larger service to our country and there is a need for someone such as Charlotte on the Federal Communications Commission. As she has demonstrated in her service here in the House of Representatives, she has both the ability and the courage to make difficult decisions, let the chips fall where they may.

Charlotte, we will miss you. We will miss you much more than you realize and much more than we can possibly say. You brought dignity and honor to this body. You brought a charm and graciousness that endeared you to us and you brought an intellectual ability that has been persuasive with us in our deliberations. This is a rare combination. It would be no exaggeration for me to say that I sometimes wondered whether it was your natural charm or the logic of your arguments that were the most persuasive.

We are sorry to see you leave us, Charlotte. We wish you the very best in your new position. We hope you will favor us with frequent visits to Capitol Hill and this Chamber.

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

Mr. ARENDS. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, the Congress has lost one of its very finest and certainly one of its most attractive Members. I speak, of course, of Charlotte Reid. Charlotte is taking on a new assignment, one with major responsibilities.

The Federal Communications Commission has a powerful role in vast areas involving the broadcast media. Because of Charlotte's background in radio and

television, we know she will do an excellent job as a member of the FCC.

The gain to the FCC will be our loss in the House of Representatives. Charlotte Reid is the first woman to serve as a Republican member of the House Committee on Appropriations. Her many outstanding contributions as a member of that important committee are well known. She deservedly earned her appointment to that committee by her superb service on other committees in the House, including the Committee on Interior and Insular Affairs.

Charlotte Reid has been loyal to the views of her constituents and has served them most capably for five terms. Charlotte has also been a tower of strength on behalf of President Nixon and his programs and policies. She has been a tremendous team player in support of those of us in the House Republican leadership. I am deeply grateful for her wonderful cooperation and great assistance. Without such help, the responsibilities of House Republican leader could not be effectively carried out.

A Member of the House is often and properly judged by the friends he or she has in this body—friends on both sides of the aisle. Charlotte Reid has many such friends and for good reason. She is a person of integrity, ability, good judgment, and charm. Charlotte is not only liked, she is respected. Because of her ability and personality she will leave an indelible record of success and achievement in the Congress. We wish her well in her new assignment.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentlewoman.

Mrs. GRIFFITHS. Mr. Speaker, I would like to add my few thoughts to what has been said. In my judgment, Charlotte Reid is one of the most charming and pleasing women who have ever entered this House, one of our finest Members, and those of us on this side of the aisle will miss her.

I would like to say also that I personally think she is also a very good selection for the Federal Communications Commission. I think it is high time that a person who has spent her life in the communications industry should have some opportunity to make the regulations and to judge on the actions of those who come before that Commission.

I hate to say goodbye to her. We like her very much. We wish her the very best in her new office.

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

Mr. ARENDS. I yield to the majority leader, the gentleman from Louisiana.

Mr. BOGGS. I would like to associate myself with the remarks made by my colleagues who have preceded me. It may be sheer coincidence that Charlotte leaves the day after the House passed by an overwhelming vote the equal rights amendment, and if this indicates that the various Federal regulatory bodies will now be peopled by women as able and charming as Charlotte Reid, then it is a very good sign, indeed.

At the same time, however, I would hope that the trend of taking away from this body able women Members would stop very quickly, because we do not have enough, and we certainly do not have many of Charlotte Reid's capability to spare, as much as she may be needed in the executive branch of the Government.

I am sure I express the sentiments of all us on both sides of the aisle in saying that we will miss her, not only as an able, effective and dedicated legislator, but as a very good friend indeed. We wish her well.

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

Mr. ARENDS. I yield to the ranking minority member of the Appropriations Committee, the gentleman from Ohio.

Mr. BOW. Mr. Speaker, the House has suffered a great loss by the gain of the FCC in Charlotte Reid's joining that Commission. The State of Illinois has suffered a loss, I am sure. I think, however, the great loss is that of the Appropriations Committee. Mrs. Reid has served on that committee for some time. It was my opportunity to assign her to two very important subcommittees, one the Subcommittee on Labor-HEW and the other on Foreign Aid. I know of no member of the Appropriations Committee who has worked more diligently and spent more hours in hearings. She was always present at the hearings and made a great contribution in those hearings. Her examination of witnesses was excellent. We shall miss her on the Appropriations Committee. It will be difficult indeed to replace her with anyone of her caliber on that committee.

As has been said, she was the first Republican lady member we have had on the Appropriations Committee. We shall certainly miss the very charming lady from Illinois who is now going to grace the Federal Communications Commission.

We will miss you, Charlotte. We wish you well and Godspeed in your new work.

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

Mr. ARENDS. I yield to my colleague from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

Mr. Speaker, I rise with some mixed emotions. I would not want to appear to be bidding farewell to Charlotte Reid, for we hope to continue seeing her often. I deem it more appropriate to pay tribute to a wonderful lady whom we have come to know well in this House.

I had originally intended to make these few remarks during consideration of the equal rights amendment for women but, as the majority leader has indicated, it is probably just as timely to do so the day after passage of that legislation.

We have been blessed to have had serve in this House from Illinois some very talented women: Mrs. Ruth McCormick, Mrs. Jesse Sumner, Mrs. Emily Taft Douglas, Mrs. Edna Oakes Simpson, and Mrs. Marguerite Stitt Church come to mind.

Most recently we have been blessed with the presence of the most gracious, charming lady, Mrs. Charlotte Reid.

But lest anyone get the erroneous impression that with all these feminine characteristics Mrs. Reid could not be a tough taskmaster, let me say right here and now that on some really rough gut issues we could always count on her standing firm like the Rock of Gibraltar. I ought to know, because I was her regional whip. Moreover, it was my good fortune to have her serve as a minority member of our Labor-HEW Subcommittee on Appropriations. Charlotte Reid was almost perfect in her attendance for our hearings, as Mr. Bow has said.

She always did her homework and asked most penetrating questions of the witnesses. All of this, of course, attests to the kind of work she will do on the FCC.

Mr. Speaker, we have lost a very able Member of this House, but the composition of the FCC has been considerably enhanced. I personally applaud the President for his excellent taste in nominating Charlotte for appointment to the FCC, and I congratulate her on her appointment and wish her the best in her new role.

Mr. ARENDS. Mr. Speaker, I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I should like to take this opportunity to express our great delight on the appointment of the gentlewoman from Illinois, Mrs. Charlotte Reid, to the FCC. All the women Members of this House have joined in expressing our congratulations to Charlotte on a previous occasion.

As a new Member of this House, I have not had as much occasion to work with Charlotte as the other Members have had, but my impression has been that she is deserving of the praise and honor she is receiving here today. I trust that the appointment by the President of the United States of the gentlewoman from Illinois is a recognition of the need for the appointment of able women to the higher levels of government. I would hope her appointment will augur well for the designation of a woman to the U.S. Supreme Court. All of the women Members of Congress have urged the President to do so.

Mr. Speaker, again I wish well to the gentlewoman from Illinois, Charlotte Reid. I am sorry she is leaving, but I am sure all of us will be in touch with her in her new duties on another Federal level of government.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is with very mixed feelings that I join my colleagues this afternoon in saluting one of our own who will leave this body to take a very important post as Commissioner of the Federal Communications Commission. There are few Members of this body whose personality, good will and dedication have left such an indelible imprint on their fellow Members as the gentlewoman from Illinois, Mrs. Reid. To say that we will miss her would be an understatement. To paraphrase a line from Lerner and Lowe,

"We've grown accustomed to her face, accustomed to her smile," accustomed to the gentle but warm touch with which she has guided legislation through committee, and so ably served the constituents of her own 15th District in Illinois.

Her work on the Appropriations Committee has been conscientious and outstanding in quality, but the members of the Illinois delegation will also miss her, because of the important role she has played in our own congressional delegation. As Secretary, she has attended to those myriad things which provide a personal touch to our activities as a group. We wish her well; we hope that she will keep in touch with us; we know that the job she will do at the FCC will be outstanding, in the same tradition as the job she has done here.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BRAY).

Mr BRAY. Mr. Speaker, the gentlewoman from Illinois Mrs. Reid leaving the House causes sadness in this body. The Federal Communication Commission's gain will be our loss. In my many years in Congress, I have met few people who have combined the courage, the fine personality, the sterling character, and the legislative ability as has the gentlewoman from Illinois. We will all miss her, and we will miss her for a very long time. She has been a very bright spot in the Congress, a person we have learned to love, respect, and admire. She has been a great citizen, a great lady, a great legislator, and a great American. We will long and favorably remember her.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I join with my many colleagues in saying how much we will all miss the gentlewoman from Illinois, Mrs. Charlotte Reid. She has been such a pleasure to know and work with in the House. Our loss is the FCC's gain. I join with my colleagues in wishing her the best.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to add my voice to the many here today paying tribute to our former colleague fron. the 15th District of Illinois, the very talented and much respected Charlotte T. Reid.

Having served 9 years in this House with Mrs. Reid, and 5 years with her on the Appropriations Committee, I came to know and admire her for her abilities, her dedication to her constituents, and her concern for her country.

We hear much in the country these days of the women's movement. But before we began hearing about it, Charlotte Reid was living it. She came to this House and quickly won its respect. And the tools she used to win it were those which traditionally have been the best—ability and a capacity for hard work.

This House is diminished by her absence but, undoubtedly, the Federal Communications Commission has been strengthened.

I commend President Nixon for his appointment of Mrs. Reid to the FCC. I am confident it will rank as one of his very best appointments.

And to our former colleague, I say congratulations on a most successful congressional career. I know the success that marked her here will be continued and expanded in her new and difficult assignment.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, I should like to add my congratulations to Charlotte Reid.

Charlotte and I came to the Congress together in the 88th Congress. I have had the opportunity to serve with her and the 9 years we have been in the Congress Charlotte has been an outstanding and very capable legislator, representing her district well.

As one from the State of New York, I certainly want to extend to her my best wishes as she undertakes this important responsibility as a Commissioner of the FCC. We are going to miss her in the 88th Club and here in the House of Representatives, but we know she will do the same type of outstanding work at the FCC that she has done in the House of Representatives. We wish her well in her new responsibilities and say we are sorry to see her leave the House of Representatives.

Mr. DERWINSKI. Mr. Speaker, it is a privilege for me to join my colleagues today in honoring Congresswoman Charlotte T. Reid, who is departing for the Federal Communications Commission.

During the years that I have served with her in the Congress, I have always been impressed by this stalwart Republican who has represented her district with tremendous effectiveness. Her record in Congress has been marked by solid and steady accomplishment that will serve as an example for all of us.

Mrs. Reid is one of those rare individuals who enjoys the universal admiration of her colleagues. She also has that very unusual combination of great ability and a remarkable personality. These qualities will serve her well in her new position as a Commissioner of the Federal Communications Commission. She will be no stranger to the communications industry, having served as staff vocalist on NBC and for 3 years appeared as a vocalist on Don McNeill's radio program.

It has been my privilege to serve with Mrs. Reid who has demonstrated the finest principles of service and dedication to our Government. We know she will continue in the same conscientious and thorough manner at the FCC, and we all wish her well.

Mr. MAHON. Mr. Speaker, I am delighted to join with my colleagues in commemorating the service in the House of Representatives of the distinguished gentlewoman from Illinois, Mrs. Charlotte Reid. She is one of the finest Representatives ever sent to Washington by the State of Illinois or any other State. She has added quality, dignity, and leadership to the House. Her service to her constituents, to her State, and to the Nation has been outstanding.

In her capacity as a member of the Committee on Appropriations, she was faithful to every assignment. She did an excellent job as a member of the important Subcommittees on Labor-Health, Education, and Welfare and Foreign Operations appropriations.

I regretted to see the distinguished gentlelady leave the House but, on the other hand, the loss to the House is a gain for the Federal Communications Commission. She will do a good job for the Commission as she has done in the House. I feel certain this sentiment was shared by the President in nominating her and by the Senate in confirming the nomination.

I join my colleagues in wishing Mrs. Reid every happiness and success in her new responsibilities.

Mr. ERLENBORN. Mr. Speaker, I congratulate the Federal Communications Commission. I believe it is fortunate in gaining an excellent Commissioner in Charlotte Reid.

As a neighbor to the 15th Congressional District of Illinois, which Mrs. Reid has represented so ably for the past several years, I have come to know her and to appreciate the good qualities which have made her an extraordinarily fine Congresswoman. She has worked hard, she has been steadfast when it was necessary to be steadfast and, always, she has been cheerful.

She has done her own thinking and her own judging during her service in this House. I believe she will take a good mind and good judgment to the FCC; and I believe the communications industry will benefit.

Charlotte Reid is a fine woman. I, for one, am sorry to see her leave our Illinois congressional delegation.

Mr. SPRINGER. Mr. Speaker, when Charlotte Reid was first elected to Congress in 1962, there was one thing about her on which all members of the Illinois delegation—both Democrats and Republicans—could agree. Without any doubt, she was the most beautiful member of our delegation.

As time went on and we became better acquainted with our attractive colleague it became evident that she had other attributes that were even more important to her work in Congress.

First of all, she has a head on her shoulders. She is quick to comprehend the essence of a complicated issue. This is why she has been such a valuable member of the Appropriations Committee.

Second, she has true dedication to the principles of sound government.

Third, she has an ample store of that rare commodity—political acumen.

Finally, Charlotte has the backbone to stand up for what she thinks is right. It is this quality, above all others, that prompts me to say that President Nixon made a superb appointment when he selected Charlotte Reid for membership on the Federal Communications Commission.

So while I regret Charlotte's leaving

the Congress and will miss her at gatherings of the Illinois delegation I will look forward to working with her in her new role.

Mr. McCLORY. Mr. Speaker, as an Illinois colleague of our distinguished Congresswoman from the 15th District of Illinois, Charlotte T. Reid, whose congressional district adjourns hers—I can speak with some authority about the respect and high regard in which she is held by her Illinois friends and constituents.

Indeed, one of the great challenges which her successor must face is that of satisfying the legislative and service demands which she has fulfilled so expertly and graciously during her 9 years in this great legislative body.

Mr. Speaker, it would be easy to recall the charm, the beauty, the musical talents, and the genuine femininity which characterize our colleague. But I prefer to take note today of her record of service as a lawmaker and to recount her successful career as a Member of the U.S. House of Representatives from Illinois' 15th District.

Both as a prominent member of the Appropriations Committee and earlier as a member of the Public Works Committee and Committee on Interior and Insular Affairs, Representative Reid applied herself diligently and actively to her committee and subcommittee work. Having watched her in action in committee as well as in active debate in this Chamber, I can attest to her conscientious work, to her effectiveness in committee, and her persuasiveness in debate on the House floor.

Mr. Speaker, many will consider that the top committee assignment to be attained by a Member is the House Appropriations Committee. Charlotte Reid attained that goal and thereafter carried out her responsibilities ably and effectively.

Mr. Speaker, our colleague has also served as a member of the Republican Policy Committee, and as an officer of the 88th Club which represents all those Members elected in 1962 to the 88th Congress. Also, she has been the popular secretary of the Illinois Republican delegation since 1963.

Mr. Speaker, as a widow with four children, and quite recently with a grandchild, Representative Reid has to my personal knowledge recognized a high degree of responsibility to her home and family. She has filled the role of both parents since the passing of her husband, Frank R. Reid, Jr., in 1962, and her wonderful family attests to the quality of her example and direction.

Mr. Speaker, as our colleague leaves our legislative halls and assumes her duties as a member of the Federal Communications Commission, she will take with her the invaluable experience she has gained as a lawmaker. She will benefit from her long and successful career as a lawmaker. She will benefit from her long and successful career as a performer in radio and on television. And she will rely upon her generous measure of good commonsense and sound judgment.

Mr. Speaker, I am proud to join in this tribute to a colleague for whom I have great affection and esteem. In bidding her farewell as a Member of the U.S. House of Representatives, I extend to her every good wish for a successful career as a member of the Federal Communications Commission.

Mr. FINDLEY Mr. Speaker, with mixed feelings I view the decision of our colleague, Mrs. Reid to resign from this body to accept the position as commissioner of the Federal Communication Commission.

Frankly, I regret the decision because it means we will have the pleasure of her company on this floor far less frequently in the future, and we will no longer have the inspiration of her steadfast support with argument and vote of those things we all hold dear.

Mrs. Reid has been a gracious lady. She has also been an effective influential legislator of great conscience and courage.

Most of all I will miss her as a personal friend.

Against this regret, I recognize that she returns to her profession in communications in a position of great responsibility and opportunity.

With a tear, we all wish her well.

Mr. COLLIER. Mr. Speaker, it is with tremendous pride and great pleasure that I join my colleagues on both sides of the aisle in paying a well-deserved tribute to the able and charming gentlewoman from Illinois. My regret that I will no longer be able to refer to her as my colleague is mitigated by the knowledge that she will now be using her experience and talents for the benefit of a much wider audience.

Charlotte Reid began the first of five terms in the House of Representatives in 1963. She quickly learned the legislative "ropes' and soon became a valuable Member of this body.

While she held her own in an organization where men form an overwhelming majority, she at the same time retained her feminity. She scorned the use of demagogic tactics and was content to work with quiet efficiency. She was, for that reason, much more effiective.

Mr. Speaker, there is room on the Federal Communication Commission for someone with Charlotte Reid's qualifications, experence, and personality. The radio and television world will be the better because of her presence on this powerful regulatory agency. Our best wishes accompany her as she assumes her new duties.

Mr. DEL CLAWSON. Mr. Speaker, to adequately express feelings and emotions in language alone, new words would be required for this occasion. Charlotte Reid has captured the heart of each of us in the 88th Club, and if the truth were known, every Member of the House, including the ladies, deeply love and respect our colleague from Illinois. The old cliche, "Our loss is the Commission's gain" does not reflect the real situation.

With Charlotte's resignation, a void in the House occurs that is impossible to fill. Her devotion and dedication as a Member, her warmth and friendship and personality, her outstanding legislative ability, her very special musical talents coupled with a willingness to share them with all of us, her excellent qualities of character all blend together to make a beautiful woman in every sense of the term.

We love you, Charlotte, and wish you Godspeed in your new endeavor, praying always that you will return and visit with us frequently.

Mr. KING. Mr. Speaker, I would like to join in the tribute being paid to my very good friend, Charlotte Reid, and to offer her my warmest congratulations and best wishes on the occasion of her appointment to the Federal Communications Commission.

While I am sorry to see such a fine person leave the Congress at this time, there is no question in my mind that Mrs. Reid will take on the responsibilities of her new position and give it the same full measure of energy and creativity that have marked her life. Mrs. Reid is, indeed, a gifted person, and her appointment to the Federal Communications Commission is recognition by the President of the United States of her ability, integrity, and leadership. We will all miss her radiant smile. Our loss is the FCC's gain.

Mr. Speaker, we in the Congress owe this great woman a debt of gratitude for the many outstanding contributions she has made, and I am pleased to join in paying tribute to her on this occasion.

Mrs. DWYER. Mr. Speaker, I share the quandary we seem to find ourselves in today with regard to the imminent departure of our distinguished colleague from Illinois.

Charlotte Reid has inspired so much warmth and affection—because she, herself, is a warm and deeply human person—that we must feel great pleasure in her appointment to new and welcome responsibilities.

Yet, because we do so greatly admire this lovely and talented lady, we must also regret her departure. We shall miss her—miss her friendship, her interest in us all, her generous willingness to listen, to help, to share, to serve.

I know how well Charlotte Reid will perform at the Federal Communications Commission, because I know how devotedly she has served here. Her constituency will now be greatly broadened, from a district in Illinois to the whole United States. But she has what it takes, and I wish her great success and satisfaction.

Mr. RAILSBACK. Mr. Speaker, in paying tribute to Charlotte Reid as she departs after 9 years as an outstanding Member of Congress, I would like to note her distinguished efforts in committee work.

From 1963 to 1967, she served on the House Committee on Interior and Insular Affairs. During this time, the committee approved the Indiana Dunes National Lakeshore Monument—the only Federal park in the Chicago area.

Because of her interest in a balanced economy, Charlotte, in 1967, sought an appointment on the Appropriations Committee where budget requests for all of the Federal agencies are considered. She

was very successful on various HEW bills; in particular, the securing of additional funds for cancer research.

Also, she has served as a member of the House Republican Policy Committee, and is presently a member of the House Committee on Standards and Conduct, the "Ethics Committee."

I can think of few people who will be missed as much as Charlotte. However, I am delighted her qualifications to serve as a member of the Federal Communications Commission have been recognized.

As we are all aware, Mrs. Reid has had experience in the broadcasting industry. She has sung on numerous radio stations in the Chicago area, and from 1936 to 1939 gained national fame as the featured vocalist on NBC. The practical knowledge she gained during those years plus her continued study of the broadcasting industry will be extremely valuable to the Federal Communications Commission.

As a member, Mrs. Reid will join six other commissioners in regulating interstate and foreign communications by means of cable, radio, satellite, television, and wire. A main function of the agency is to issue licenses to radio and television stations. For such work, Charlotte Reid is definitely qualified.

This is a difficult time for the telecommunications field. A number of difficult decisions will have to be made—decisions which will affect every one of us. I am certainly delighted that we will be able to rely on Mrs. Reid's good judgment.

Mr. MYERS. Mr. Speaker, it has been an honor and pleasure to me to have served in the House with Mrs. Reid. The people of the 15th District of Illinois and the people of the Nation have been served most notably by Mrs. Reid. She was a most capable, personable, and gracious Member of this House. We will all be losers because she has chosen to accept this great opportunity to continue to serve the people of our country in her new capacity with the FCC.

We know she will carry the same dedication to her job and sincerity to her new position.

We wish her happiness and continued success.

Mr. THOMSON of Wisconsin. Mr. Speaker, Charlotte Reid has served in this body since 1963. During this period she has displayed a conscientious dedication to her duties and an unmistakable flair in their performance. The House has, for the second consecutive Congress, passed the equal rights amendment. Women's liberation demands recognition of women's full partnership with men.

Throughout this clamor, Charlotte Reid remains an example to women everywhere. Involved, informed, effective, she will now be moving to great public responsibilities with the Federal Communications Commission, in a field of current crisis in public policy.

Charlotte Reid will be long remembered by those who served with her, first as an extraordinary woman and, second, as an able and dedicated Representative of her Illinois constitutents. Her advancement to the FCC deprives this Chamber of a measure of the charm and beauty which she provided.

Mrs. SULLIVAN. Mr. Speaker, the departure of the Honorable Charlotte Reid from the halls of Congress to the Federal Communications Commission removes from our midst a delightful, attractive and intelligent woman who has set an exemplary model for other women who may follow in her footsteps.

Not only was she a helpful wife and devoted mother to four wonderful children but by reason of her desire and capabilities, she was able to follow a career in public communications through her work on the radio. When the opportunity came to apply her talents to public office following the sudden death of her husband, because of her broad background, she accepted the challenge as a Member of the U.S. Congress in which she has served well for the past 9 years. While I dislike to see the Congress deprived of a Member through appointment to the Federal Communications Commission, there is every reason why Mrs. Reid's background and previous experience will prove to make her an extremely able and valuable member of that Commission.

We are going to miss the pleasant, smiling, attractive countenance on the other side of the aisle but I know we all wish her well as she begins another new and exciting challenge in her already fruitful life.

Mr. SHRIVER. Mr. Speaker, I am pleased to join my colleagues today in offering my sincerest congratulations and best wishes to one of the most popular Members ever to serve in the House of Representatives, Charlotte Reid. Charlotte was sworn in last Friday as the first woman in 15 years to serve on the Federal Communications Commission. She brings to her new position vast experience in public service and the communications field, and I know her extraordinary sense of dedication which she displayed as the Representative of the 15th District of Illinois will continue to serve her larger constituency. The common sense and integrity with which Mrs. Reid met the many responsibilities of a Member of Congress, and especially a member of the Appropriations Committee, are sorely needed in our independent regulatory agencies. The President has made a wise choice.

As happy as we are for Charlotte concerning this appointment, we will all miss her refreshing outlook and warm friendship. I had the distinct privilege of serving with her on both the Foreign Operations and the Labor-Health, Education and Welfare Appropriations Subcommittees. Her record of faithful attendance and constructive participation during the months of hearings every year on these appropriations bills was unmatched. She will be missed.

Mrs. Reid, we wish you well in your new challenge, and we will welcome you back whenever your time permits. You will continue to make significant contributions in service to others.

Mr. JONAS. Mr. Speaker, I am pleased that the distinguished Minority Whip has made it possible today for members to say a few words about Charlotte Reid. She is a charming and gracious lady and as she leaves Congress voluntarily, she will take with her the respect, esteem and good wishes of all who have had the privilege of serving with her during her distinguished career as a member of this body.

Those of us who have served with her on the Committee on Appropriations have had a better opportunity than others to observe her oustanding qualities and to understand and appreciate the excellent service she has rendered the Nation in her dedicated work on the committee.

As one who has considered it a privilege to be associated with her in the Committee on Appropriations and as a colleague in the House of Representatives, I take advantage of this occasion to thank her for her friendship and to extend to her my personal regards and best wishes for a successful and satisfying experience as a member of the Federal Communications Commission. Congress is giving up a valued and outstanding member but the country will continue to benefit from her great talents as a Commissioner. So our loss is the Commission's gain.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks in respect to the service of the Honorable Charlotte T. Reid.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENDS. Mr. Speaker, may I add I am so pleased Charlotte is here today and we hope you will return many times to visit us on the House floor.

Charlotte, too often we wait until too late to say something nice about someone and might even send them flowers. Today we are paying you in this House of Representatives a well-deserved tribute. We are presenting to you our real feelings about you personally and your service in this great body. We love and respect you, and it is wonderful you can be here to personally hear such expressions of gratitude.

[Applause, the Members rising.]

ILLEGAL TAX GIVEAWAY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday the Commissioner of Internal Revenue announced that corporations will not be subject to tax for undistributed profits which accrue from the "freeze" on dividends provided by the President's Executive order.

I seriously doubt that the Commissioner of Internal Revenue has statutory authority to exercise administrative discretion to suspend a statutory tax to accommodate an Executive order.

As a practical matter, this action is adverse to the taxpayers, to the Treasury, and to the stockholders of America in providing a reservoir of cash for the

corporations which can be utilized for its own purposes, free of taxation or interest charge.

If the Commissioner of Internal Revenue has the discretion to suspend this corporation tax, it follows that he can suspend all corporation taxes and the power of the Congress to legislate in these vital areas is "washed out" by administrative fiat.

This action is in keeping with an apparent effort by this administration to eliminate all corporate taxation. Earlier this year the adoption of the asset depreciation range wiped out $40 billion of corporate taxation in the next decade. The Revenue Act which just passed the House of Representatives at the administration's request "washed out" a total of another $52 billion of corporate taxation in the next decade.

These Treasury losses in corporate taxes ominously point to an increase in individual tax rates after the election of 1972.

PROMOTING MINORITY ENTERPRISE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-169)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Approximately 35 million Americans are of Black, Spanish-speaking, or Indian ancestry—about ⅙ of our total population. Yet these same minority Americans presently own only about 4% of America's businesses. And these businesses, in turn, account for less than 1% of our Nation's gross business receipts.

In my statement on school desegregation of March 24, 1970, and again in my statement on equal housing opportunity last June 11, I committed this administration to the untiring pursuit of a free and open society, one which gives all citizens both the right and the ability to control their own destinies. I emphasized that such a society should be diverse and pluralistic, affording all of its members both a range for personal choice and the mobility which allows them to take advantage of that range of choice. Both in law and in practice, I argued, we owe every man an equal chance at the starting line and an equal opportunity to go as high and as far as his talents and energies will take him.

Throughout our history, one of the most effective ways in which we have advanced these goals has been by expanding the opportunity for property ownership and independent business activity. On many occasions our Founding Fathers spoke eloquently about the close relationship between property rights and human rights, and the wisdom of their words has been abundantly demonstrated throughout our national experience.

One of the most effective means now available for advancing the cause of human dignity among minority Americans is by expanding managerial and ownership opportunities for minority entrepreneurs.

On March 5, 1969, in one of my first executive orders as President, I established two new mechanisms for promoting expanded minority business activities: an Office of Minority Business Enterprise within the Department of Commerce to coordinate and oversee all Federal efforts in this field and to stimulate private sector initiatives; and an Advisory Council for Minority Business Enterprise to study this complex subject and recommend further action. Since that time, both of these units have been diligently carrying out these assignments. The further steps which I am announcing today have grown in large measure from their suggestions and their experience.

THE RECORD TO DATE

The record of this administration in promoting minority enterprise is a record of which we are proud. The aggregate total of Federal business loans, guarantees and grants to minority enterprises and purchases from them has increased almost three-fold over the last three fiscal years—from nearly $200 million in Fiscal Year 1969 to an estimated $566 million in Fiscal Year 1971. Federal purchases involving minority businesses alone have increased more than elevenfold—from $13 million in Fiscal Year 1969 to $142 million in Fiscal Year 1971. Our program to stimulate minority banking, which began just one year ago this month, has surpassed its goal of generating $100 million in new deposits in minority banks; firm commitments have been received for more than $35 million from the Federal Government and $65 million from the private sector.

In addition, the Small Business Administration has licensed 39 Minority Enterprise Small Business Investment Companies (MESBIC's), with an aggregate capitalization in excess of $10 million. When Federal monies available to these 39 MESBIC's are fully utilized, they should be able to generate some $150 million additional dollars in overall financing for minority business ventures. Moreover, a number of new MESBIC's are now in the process of formation. At the same time, the Opportunity Funding Corporation, which has received $7.4 million from the Office of Economic Opportunity, is also developing new projects which will stimulate minority ownership.

Other promising developments include new legislation which provides crime insurance at reasonable rates to minority businessmen, new legislation which assures the availability of surety bonds to minority contractors, and new regulations which require affirmative action to increase minority subcontracting under all Federal prime contracts and increased minority business participation in all Federally financed housing projects.

The Government has also stepped up the collection and dissemination of information critical to the development of minority enterprise, including the first census ever taken of minority-owned businesses. Meanwhile, an Inter-Agency Committee on Minority Business Enterprise has been formed in Washington and a series of Minority Business Opportunity Committees have been set up across the Nation.

Government efforts have also helped stimulate the private sector to provide increasing assistance for minority enterprise—including resources such as equity and debt capital, franchise offerings and other business openings, management services and technical assistance, and a range of market opportunities. For example, there are nearly three times as many minority-owned franchises and more than six times as many minority auto dealerships today as there were 2 years ago.

THE CHALLENGES WHICH REMAIN

In a wide variety of ways, then, we have been working to give disadvantaged groups a greater stake in the American economy. But, as the Advisory Council on Minority Enterprise concluded in its recent report, there are still "enormous economic inequities" which challenge the will and the resourcefulness of our Nation. The elimination of those inequities must be a national objective of high priority in the 1970s. Accordingly, I am today calling on the Congress to join with the administration in a still more intensive and far-reaching effort to foster business development among minorities.

This program should be guided by several important principles. It should be a comprehensive and pluralistic effort, one that moves forward on many fronts, since the barriers to minority enterprise are varied and numerous. It should also be a flexible approach, one that maximizes local control, since local realities are diverse and changeable. Our program should encourage the private sector to join with Government in creating an economic environment conducive to the development of minority businesses.

Another important principle is that we should carry out this program without overpromising or raising false hopes. There is no automatic road to economic success for any group in our society. A sound program which enables more Americans to share in the rewards of entrepreneurship will find them sharing in the risks and the responsibilities of entrepreneurship as well.

AN EXPANDED BUDGET

With these considerations in mind, I am calling today for a significant expansion of our minority enterprise budget. In addition to the $3.6 million appropriation which we originally requested for the Office of Minority Business Enterprise in fiscal year 1972 we have asked the Congress to budget an additional $40 million—bringing the total budget for the current fiscal year to $43.6 million. I repeat that request today—and in order to provide for continued expansion of the minority enterprise program, I intend to propose that OMBE be given a budget for fiscal year 1973 of $63.6 million. Altogether, we are asking for a new 2-year program of $100 million.

What would this money be used for? Primarily, these funds would provide for an expanded program of technical

assistance and management services. Approximately 10 percent of these new funds would be used at the national level—to strengthen minority business and trade organizations, to generate broad private programs of marketing and financial assistance, to develop training programs, and to foster other national efforts. The remaining 90% of the new money would be spent on the local level—supporting a variety of efforts to identify, train, advise or assist minority businessmen and to put them in touch with one another and with non-minority businessmen who can provide them with additional help.

In talking about encouraging expanded ownership, we are talking about an impulse which is already strong among minority groups in this country. The desire to gain a bigger piece of the action is already there; it is not something that depends on government stimulation. What government must do, however, is to help eliminate the artificial obstacles to expanded ownership—including the complex array of regulations and forms and bureaucracies which often stand between minority entrepreneurs and the resources which are available to help them.

This is why we are emphasizing the development of local centers which can bring together a vast array of training, advice, and information for minority businessmen. Such centers can help them put together in an effective way the many elements which are necessary to build a successful business. We hope to develop more than 100 of these centers over the next 3 years.

I would emphasize that the money we are requesting for OMBE does not include grants, loans, guarantees, and purchases with minority businessmen by many other Federal agencies. Such direct aid, however, will also be expanded. We have, in fact, budgeted for $700 million in minority loans, grants guarantees and purchases in the current fiscal year, an advance of half a billion dollars—more than three-fold increase—over 1969.

BOLSTERING THE MESBICS

In addition to expanded budgets, I am also submitting to the Congress legislation to strengthen our growing program for Minority Enterprise Small Business Investment Companies. This legislation would:

(1) Lower the level of private financing required to qualify for financing from the Small Business Administration on a three for one basis. At present, a MESBIC must raise $1 million before it can obtain Federal dollars on a three for one basis rather than the two for one basis that otherwise applies. I propose that the qualifying figure for three for one assistance be cut in half.

(2) Provide increased equity to MESBIC's in the form of preferred stock to be purchased by the SBA in place of part of the debt instrument purchased by the SBA under current law. This would reduce the debt load presently carried by MESBIC's and stimulate added investments to create larger and more vigorous MESBIC's.

(3) Lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury Department during the first 5 years of the loan.

These provisions should greatly increase the resources which are available to minority businesses through the MESBIC program.

BETTER COORDINATION

I am also issuing today an executive order giving the Secretary of Commerce—and, through him, the Office of Minority Business Enterprise—increased authority over all Federal activities in the minority enterprise field. This order gives the Secretary a clear mandate to establish and carry out Federal policy concerning minority enterprise and to coordinate the related efforts of all Federal departments and agencies. It also directs the departments and agencies to develop systematic data collection processes concerning their minority enterprise programs and to cooperate in expanding the overall Federal effort. The substantive provisions of Executive Order 11458 of March 5, 1969, are also carried over into the new order.

UNFINISHED BUSINESS

In addition to these new initiatives, I again urge action on a number of older proposals. Among these is my suggestion that a new Assistant Secretary for Minority Enterprise be created in the Department of Commerce—an important step in giving greater cohesion and greater emphasis to Federal involvement in this area.

Other important legislation includes Senate Bill 544, which would alter tax laws so as to ease the burden on small, marginal businessmen. I also urge passage of the Small Business Amendments Act of 1971. Finally, I again ask the Congress to enact the Indian Business Development Program Act, the Indian Financing Act, and the Washington, D.C. Development Bank Act of 1971.

CONCLUSION

The best way to fight poverty and to break the vicious cycle of dependence and despair which afflicts too many Americans is by fostering conditions which encourage those who have been so afflicted to play a more self-reliant and independent economic role.

This goal will not be achieved overnight for there is no easy way to eliminate the barriers which now prevent many who are members of minority groups from controlling their fair share of American business. Yet the long range health of our economy—and, indeed, of our entire society—requires us to remove these barriers as quickly as possible. Both morally and economically, we will not realize the full potential of our Nation until neither race nor nationality is any longer an obstacle to full participation in the American marketplace.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1971.*

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 295]

Abernethy	Dowdy	Pelly
Abourezk	Edwards, La.	Pepper
Anderson, Tenn.	Fraser	Rees
Ashley	Gettys	Reid, N.Y.
Aspinall	Halpern	Rhodes
Baring	Hansen, Idaho	Rooney, Pa.
Blatnik	Hawkins	Rosenthal
Cabell	Hicks, Mass.	Scheuer
Celler	Kee	Schwengel
Clancy	Lloyd	Slack
Clark	Long, La.	Smith, N.Y.
Clausen, Don H.	McCloskey	Springer
Clay	McClure	Steed
Collier	Macdonald, Mass.	Teague, Tex.
Colmer	Mailliard	Thompson, N.J.
de la Garza	Mikva	Ullman
Derwinski	Miller, Calif.	Waggonner
Diggs	Murphy, N.Y.	Wilson, Charles H.
Dingell	O'Neill	
	Patman	

The SPEAKER. On this rollcall 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATIVE PROGRAM FOR NEXT TUESDAY

(Mr. HÉBERT asked and was given permission to address the House for 1 minute.)

Mr. HÉBERT. Mr. Speaker, I have asked for recognition at this time to inform the Members of this House that on next Tuesday I shall call up H.R. 8687, which is the Military Procurement Act, which has been amended muchly in the Senate, as Members know. I will ask unanimous consent then to disagree with the Senate amendments and appoint conferees and go to conference.

This notice is given so that those who oppose the conference report will have full time and full opportunity to prepare their arguments in opposition to it over the weekend. Therefore, it will be called up on Tuesday of next week.

CONSUMER PROTECTION ACT OF 1971

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

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

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 fur-

ther consideration of the bill H.R. 10835, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from California (Mr. HOLIFIELD) had 1 hour and 5 minutes remaining and the gentleman from New York (Mr. HORTON) had 1 hour and 45 minutes remaining.

The Chair now recognizes the gentleman from New York.

Mr. HORTON. Mr. Chairman, I have a couple of requests, but they are very short. Perhaps the chairman of the committee would like to recognize someone from his side of the aisle.

Mr. HOLIFIELD. I have used almost half of my time.

Mr. HORTON. I only have a couple more speakers.

Mr. HOLIFIELD. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise to discuss H.R. 10835, a bill that I consider of enormous importance to this body and to the American consumers, all 203 million of them.

First, let me say this: I want to join with my colleagues in paying tribute to the distinguished gentleman from California, the chairman of our committee (Mr. HOLIFIELD), for the enormous and untiring effort that he put into bringing this bill to the floor.

In both the subcommittee and the full committee there was a great deal of time and attention paid to all of the subjects under consideration. There was a great deal of concern by all of the Members in producing a significant and important bill. We all worked within the time limitation that was offered to us by the Committee on Rules, with dispatch and diligence.

I, personally, might say that I regret some of the personal animus that may have developed between Members of the House and persons outside the House.

Frankly, I did all I could to prevent these things from happening but much of it was beyond my control.

Mr. Chairman, I do think that the public has a deep vested interested in the outcome of this bill. I, frankly, think that individuals who are interested in the consumer movement have a deep vested interest in the outcome of the bill.

What I am talking about are the concerns on the part of some Members that Ralph Nader has done as especially vigorous lobbying job in support of improvements in this bill. I think that is true. I think he has done an incredibly vigorous lobbying job in support of strengthening this bill. I, myself, know that he has called many Members of the House, that he has worked for the past 3 weeks probably 20 hours a day in communicating with Members of the House and that he is now walking the halls of the various office buildings seeing and visiting Members of this body.

I myself think that is quite appropriate. I think it is a very acceptable thing. It has been done openly. The fact of the matter is that this whole concept of an independent consumer protection agency was Nader's idea, and so he sees it as his baby, in a sense. It is his view, shared by many Members of the House, myself included, that the committee, probably unwittingly, has in fact emasculated the concept that he had of an effective advocate on behalf of the consumers. And thus I can well understand Ralph Nader's motivations in vigorously pursuing his efforts, walking through the halls of this Capitol while seeing his baby chopped up. I do not know who else I would expect to walk these halls, looking after his conceptual idea.

I think that to discuss the merits of this bill one ought to look very briefly—and I shall be brief—at the history of this bill. How did it come about? How did we get to the point at which are are today?

Mr. HORTON. Mr. Chairman, if the gentleman will yield, the gentleman is contributing the earlier bill to Mr. Nader. I think he is doing a disservice to the gentlewoman from New Jersey because, as I understand it, she was one of those who worked very hard to put that original bill together. I do not believe the gentleman ought to say that that was a Nader bill to the exclusion of the gentlewoman from New Jersey (Mrs. DWYER). She worked very hard on that bill, as I understand.

Mr. ROSENTHAL. I shall at the appropriate time pay public attention to the gentlewoman from New Jersey (Mrs. DWYER) who did great work and service in this field.

I stand on what I said. The idea and concept of an independent agency and advocate was in fact, Mr. Nader's idea.

Let me briefly tell you the history of how this came about, so that we can understand the broad issue that is presented today.

Through the development of technological growth in the United States new products, new technology, the affluence of this society whereby many of us are permitted to buy more than one car, for example, and where there has been an enormous increase in our purchasing power, we have been able to take each year further advantage of the marketplace, and the resources that are offered to us.

At the same time there has been a reduction in the competition among products and services in the United States to where the situation exists today where in some areas four automobile manufacturers, for example, control over 80 percent of the marketplace. There has been in the last 20 or 30 years story after story of needless deaths, injuries, and loss of economic buying power.

In 1959 the late Senater Estes Kefauver offered the first bill for a Department of Consumer Affairs. That bill, I might say, was drafted by his associate, John Blair, also of Tennessee.

During that same Congress the idea and concept of a Department of Consumer Affairs was endorsed by the then Senator HUMPHREY, and the then majority leader of the House of Representatives, John W. McCormack of Massachusetts.

The chief spokesman for that bill in subsequent Congresses, the next two, was my predecessor on the Committee on Agriculture, Victor Anfuso of New York. When I succeeded to Congressman Anfuso on the committee I assumed some of the ideas that he had, the desire to bring to the consumers further representation and broader involvement in the decisionmaking process in the governmental machinery in Washington.

For the next three or four Congresses we continued to introduce the bill for a Department of Consumer Affairs, and increasingly large numbers of Members of this body cosponsored that bill, reaching to the point where this was in excess of 100.

About 2½ or 3 years ago Ralph Nader came to me, we were approaching a hearing on this bill, and said that he could not support the concept of a Department of Consumer Affairs for two reasons.

The first was that pragmatically he did not see it as a real possibility without administration support, and realizing the resistance of existing agencies to the transferral of some of their authority without presidential direction and order.

But more than that, he offered the concept of an independent consumer advocate or voice in an independent, nonregulatory agency, to be heard across the length and breadth of the agencies here in Washington and to make those agencies work. His argument at that time was that the consumer's voice in the governmental decisionmaking process had been stilled and was, in fact, nonexistent, and that among the 33 agencies administring some 300 or more consumer programs, there was no one representing the consumer interest—although most of us thought that there was—and most of the American public thought that there was.

We had—the one chair concept—the empty chair concept where in a regulatory hearing before the Federal Power Commission or any other agency the utility seeking a rate increase would be present with a battalion of well educated and well staffed and sophisticated lawyers and economists and accountants and investigators—and the chair in behalf of the consumer interest was left empty. So the quasi judicial officer making the decision had to make the decision based upon one-sided evidence by one party only.

In all the other regulatory proceedings and at the decisionmaking process everywhere, the consumer went unrepresented.

At the same time the very regulatory agencies that Congress had created to uphold the public interest had, in fact, become an umpire between competing industrial forces and producer forces. The consumer interest was left out. In many cases it has been suggested that they had been taken over by the regulated industries.

It has been charged that many agencies, the Interstate Commerce Commission, for example, had been subject to an enormously close relationship with the industries that they regulate.

So two things generally happened. There was a lack of a voice or representative of the consumer and a weakness in the integrity of the regulating agency. Both of these things happened under the very nose of the Congress and without a responsiveness on behalf of the Congress.

It was Nader's concept of what we could do to correct this machinery—to create an independent agency with an advocate who would have no regulatory powers of any kind—that resulted in this year's bill cosponsored by 170 members. By not having a regulatory agency's decisionmaking power, you would not invite the lobbyists or industry-oriented attorneys and representatives here in Washington to head down and take over the agency. The agency would have the right to appear before Government agencies on behalf of the consumer.

But inherent in that concept, with no regulatory powers and no decisionmaking powers and no opportunity to issue orders of any kind to any industry, to any Government bureau or body, was the right to have an unlimited opportunity to appear before all Government agencies and bureaus that were making decisions on behalf of the consumer pursuant to the other agency's rules and procedures.

As a matter of fact, the only authority the agency had was to plead the consumer cause before the agencies making the decision. They would have to do this, the concept author suggested—they would have to do it in accordance with the rules of the agency host, the agency that they were going to appear before.

I cannot for the life of me understand why any Member of this House, whether they be on the liberal side or on the conservative side, and particularly those who have had legal training and experience, can object to this new agency having the vital but simple right to appear.

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

Mr. ROSENTHAL. I yield to the gentleman.

Mr. YATES. As I understand the law, the regulatory agencies now have the power to initiate proceedings on their own motion in order to protect the public interest—will that power be eliminated or diminished in any respect by the passage of this legislation?

Mr. ROSENTHAL. Whether or not they have that power, or whether or not it has been used is a question I am not prepared to direct my response to. But this would in no way affect that opportunity. There is growing in both the States and the Federal Government the desire of representation on behalf of underrepresented groups.

Let us come down to the heart of the subject. This bill has three titles. The first establishes a statutory Office of Consumer Affairs in the White House, which is a good idea. It gives the President statutory authority to eliminate duplication, to effectuate coordination, and to have a consumer input into the decisionmaking process in the White House.

The third title establishes a council of 15 independent citizens to sort of keep a lookout as to those consumer things and to work with both the agencies and the President's advisers.

The second title, particularly section 204 of this bill, is the guts, the heart of this bill. This is the section that gives the agency authority to appear, and in the bill that was reported out by the committee what has happened is that we have floated an iceberg, with only the tip available to the consumer agency. But what great depth there is below the surface. The 90 percent of the cases where the action is needed will be cases in which the agency will be denied the opportunity to effectively appear. I do not make that statement casually. I do not say this without giving the matter a great deal of thought. And I do not say this without first stating that the committee gave great attention to these matters.

We are dealing, in a sense, with a highly sophisticated, highly technical legal area in which many of us—all of us on the committee—lacked sufficient administrative law experience.

But we have now consulted. I have consulted, and I know the committee has, distinguished administrative law scholars around the country, and this is the conclusion I came to, for two reasons. There are two areas where the committee limited the agency's opportunity to appear and represent consumers. The first is the informal or Nonadministrative Procedure Act area. The second is by preventing the agency from acting where the relief sought seeks "primarily to impose a fine, penalty, or forfeiture."

I want to discuss both of these areas and see if we can put them in perspective.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOLIFIELD. Does the gentleman request additional time?

Mr. ROSENTHAL. I need another 15 minutes.

Mr. HOLIFIELD. I cannot give it to you. I will give you 5 minutes. I will yield the gentleman an additional 5 minutes.

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

Mr. HOLIFIELD. I may be able to give the gentleman additional time later, or perhaps the gentleman can get time from the other side.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In response to the gentleman's first statement, the statement that the bill as it exists would disallow the agency injecting itself into what you refer to as informal proceedings, would you be so kind as to point out that portion of the bill that precludes this and explain your position?

Mr. ROSENTHAL. I am going to do that, but I wonder, with the gentleman's kind permission, if I might continue, for I sense a time problem here. This is a matter to which I have given a great deal of attention.

I should like to read from an article entitled "Informal Action—Adjudication—Rule Making: Some Recent Developments in Federal Administrative Law," by Brice McAdoo Clagett, published in the 1971 issue of the Duke Law Journal. I might also tell you that Mr. Clagett is a distinguished lawyer.

I should like to read this to you and let us see if we can understand this together:

> All administrative decision-making involving the formulation of policy is divided into three parts: informal action, rule making, and formal adjudication. Informal actions are, almost by definition, those formulations of policy which for one reason or another, fall outside the supposed rigors of the APA as it now stands.
>
> The salient characteristic of informal action is that it involves formulation of policy which has an impact on the citizenry, or portions of it, although the formulation may be hidden from the public view. Even the very existence of a policy is often invisible because the act of formulation is never acknowledged, and the act of implementation may be carried out, intentionally or otherwise, in a manner which disguises the fact that a policy is being applied, let alone what that policy is. Articulation of the policy may exist in a department or agency file, or it may exist only in the minds of officials implementing it. Even worse, there may be no policy at all in situations where good and fair administration requires there be one.

He goes on to cite Supreme Court cases suggesting that the informal area is where damage is done, is done either by inaction or action that is detrimental to the public or the consumer, but is hidden.

In another instance—and Mr. Chairman, we will submit all these into the RECORD—Professor James O. Freedman, professor of administrative law, of the University of Pennsylvania Law School says:

> Section 204 makes no provision for participation by the Consumer Protection Agency in any informal proceedings, despite the importance that such proceedings play in the enforcement of Federal legislation directly affecting the consumers.
>
> It seems to me highly desirable that the legislation establishing a Consumer Protection Agency authorize participation by the Consumer Protection Agency in some informal proceedings.

Additionally, Prof. David L. Shapiro, professor of administrative law, of the Harvard Law School, in response to our inquiry, said:

> Because so much of the administrative process occurs below, or beyond, the level of formal rulemaking and adjudication, I believe the limitation of the new Agency to participate in such informal proceedings could seriously impair its effectiveness. Recent decisions like Moss v. CAB (490 F. 2d 891 (D.C. Cir. 1970))

And I might suggest that the Moss referred to is the distinguished gentleman from California, JOHN E. MOSS—

> and Citizens to Preserve Overton Park v. Volpe, 91 S. Ct. 814 (1971), reflect what practitioners know—that crucial decisions affecting substantial interests often occur at levels of low visibility. If the new agency is to have a meaningful voice in the development and implementation of policy, those levels should not be wholly closed to its scrutiny.

Let me give some quick examples of what the Agency could become involved in. Congressman FRED ROONEY, the gentleman from Pennsylvania, recently blasted the Food and Drug Administration for their failure to take speedy action with respect to the deadly propellant gases in aerosol cans. That would be an informal and non-APA matter that could not be included. The CAB charged 16 with respect to charter flight violations. These informal matters could not be properly

affected by this Agency. Encyclopedia sales abuses are another example.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman from New York 5 additional minutes.

Mr. ROSENTHAL. Mr. Chairman, I thank the distinguished gentleman from New York, my colleague Congressman HORTON, for yielding me the time.

Mr. Chairman, I will give some other real examples. In 1970, the Federal Trade Commission disposed of more than 250 flammability cases by the use of informal means and 25 through formal adjudication. Two hundred twenty-five of those this new agency could not be involved in, and that, notwithstanding the fact that 900 children burned to death last year in these United States as a result of flammable fabrics.

All the U.S. Department of Agriculture disciplinary actions under the Meat and Poultry Inspection Acts would be excluded. All informal dispositions with respect to complaints by the CAB—there were 1,800 informal dispositions last year, which this agency could not be involved in, and only 231 complaints were formally disposed of. Informal actions on complaints before the Interstate Commerce Commission as a result of moving violations by moving companies, in which millions of Americans are involved each year, would not be included.

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

Mr. ROSENTHAL. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I do not think it is fair for the gentleman to read all these instances he is now reading and leave the presumption with the House that under the President's bill that is before the House there could not be any intervention, because in the report and in the summation I put into the RECORD yesterday during the course of my remarks, and I think as well from the statement made by Dr. Cramton, Chairman of the Administrative Conference of the United States, there is a definition under the administrative procedures act which includes not only formal but also informal types of proceedings.

Many of the proceedings to which the gentleman is referring, those in the list he is reading, are instances in which not only could this agency intervene as a party but also it could, if it were at the beginning, appear as amicus curiae to present its views.

I do not believe it is appropriate that the gentleman leave the impression there is no action that could be taken under this bill in the cases to which he is referring. I believe we would have to take each one of them and determine whether or not there was a proceeding under the definition of the administrative procedure act, as to whether or not it was a normal or informal proceeding, because they can appear in informal proceedings just so long as they are proceedings as defined in the act.

Mr. ROSENTHAL. No, they cannot proceed in the informal proceedings unless it is under the APA.

Mr. HORTON. That is right.

Mr. ROSENTHAL. Eighty percent of the cases I have cited here were non-APA proceedings.

Mr. HORTON. The gentleman is throwing figures around, and we are catching it from both sides. On the other side, on the Fuqua side, they say, in accordance with the information he sent around to all the Members, listing all of the agencies and so forth—and it is something like 16 different agencies—there are a large number of proceedings involved, and they show something like 80 or 90 percent we can appear, and the gentleman says that in 80 or 90 percent we cannot appear.

Mr. ROSENTHAL. I believe the gentleman is mixing up the positions.

Mr. HORTON. They are both before us.

Mr. ROSENTHAL. The Fuqua position, as I understand it, is that he would give the agency the right of amicus curiae, which means either an agency or a court must grant permission to appear; not as a party, not with the right to produce witnesses and cross-examine. He is willing to give them the right to go to every agency.

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

Mr. ROSENTHAL. I yield to the gentleman from Florida.

Mr. FUQUA. The gentleman refers to his interpretation of my amendment, and I believe he is somewhat in error. I would give it as a matter of right. The agency does not make that determination; as a matter of right he could do it.

Mr. ROSENTHAL. I am sure the gentleman and I both are trying to understand his amendment. His amendment, as a matter of right, would be the right to be amicus curiae. That lets them go to the court and say, "May I please come in?" It is a right to open the door, not to sit down as a party.

Let me say to the gentleman, to eliminate some of the rhetoric and confusion, it is my judgment that the statements I have made, based on 21 years as a lawyer are correct, that what I say is absolutely so. It is supported by a half dozen professors of administrative law.

The point I want to proceed on is, if we go with the committee bill we are inviting lawsuits by the thousands. Nobody knows for certain, in each given case, whether it is or is not under the APA. The time has come to be precise and specific and to say, "Let them appear everywhere, with no limitations." All they can do is say, "Look, here is our position. If you do not like it, OK."

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 5 minutes, and ask the gentleman to yield to me.

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

Mr. HORTON. I believe it is important to point out at this point in the debate what is said on page 9 of the report, where we attempted to define "intervention" and to define what "proceedings" are under the Administrative Procedure Act. It says:

> The second type of adjudication is that in which there is no statutory requirement for a decision on the record after an agency hearing. There are, of course, a great number of agency proceedings leading to final disposition of matters in which hearings are not required by statute or by constitutional due process, and these are sometimes called informal proceedings.

Then it goes on to point out that the agency can appear in these types of hearings.

I would disagree with the gentleman's judgment that it is 80 or 90 percent they cannot appear in. I believe it is a very, very small number they cannot appear or intervene in.

In all types of proceedings, at any level, they can appear first as amicus curiae, which is the position of the agency. They can put their position on the table. They can say, "This is the way we feel about it." They have the advantage of public knowledge as to the position they take.

Then when it becomes a formal type of proceeding in accordance with the definition they can actually appear.

So I think there is a great deal of strength in this present bill.

What the gentleman from New York wants to do in this amendment he is referring to is take this right of intervention and put it at the early stage, so in essence what you have is two agencies dealing with the same problem at the beginning levels. We call that a superczar type of agency, and I think it is bad. I do not think the House wants to give that type of authority.

Mr. ROSENTHAL. I thank the gentleman for extending me the additional time.

We ought to nail down words like "superczar" and "superagency" and "stopping the wheels of Government" and words like that. All I want and all that the Moorhead amendment will specify is that the Agency will have the right to intervene before any and all agency adjudicatory proceedings on behalf of the American public and affecting the consumer interests. And the right to study informal actions and report to the Congress. That is all I want and nothing more than that.

May I speak briefly now to the second objection to the action that the committee took in inserting the words the Agency is precluded from intervening where the relief sought is seeking primarily—

The word "primarily," as defined in two Supreme Court decisions, shows that there are various interpretations. The American Law Division of the Library of Congress Research Service said to me in a letter, "Thus it can be seen 'primarily' is not a precise term and is subject to fundamentally different interpretations."

I suggest to my distinguished colleague that, if you can exclude this Agency from appearing and intervening where it primarily was sought for a fine, penalty, or forfeiture, you are eliminating in excess of 90 percent of adjudications. Every action of the FDA involves a fine, penalty, or a forfeiture. There are hundreds of other Federal statutes that provide primarily for a fine, penalty, or forfeiture. You are inviting lawsuits by the thou-

sands, and you are absolutely blocking out this Agency from appearing in those areas that are extremely relevant.

For example, the Flammable Fabrics Act has a fine or penalty of $5,000 a year. The Automobile Disclosure Act has a penalty of $1,000 a year.

I am going to ask permission when we get back into the House to have the Library of Congress list all the consumer acts that have fines or penalties put into the RECORD.

Almost without exception, every one of them involves a fine, penalty, or forfeiture.

So what we have done, even unwittingly here, is blocked out the Agency from informal actions where a lot of inaction takes place and blocked them out from formal adjudications because they all involve primarily a fine, penalty, or forfeiture. That leaves out the Flammable Fabrics Act, the Truth in Packaging Act, the Meat Inspection Act, and everything else.

All of these things can be cured by the Moorhead amendment.

Now, I am not completely happy with the Moorhead amendment. I wanted it to go much further than it does. It was drafted by Congressmen BROOKS, MOORHEAD, WRIGHT, ST GERMAIN, and myself. I would like it to do more, but I agreed to go with that one amendment in the hope that we could clarify this congressional intent.

The authority ought to be to give this Agency, which has no regulatory authority or decisionmaking power over other agencies, the opportunity to plead its case before every other Federal agency.

I am including at this point, an editorial on the subject from the Long Island Press:

CONSUMER BILL NEEDS TEETH

The bill in Congress to create a Consumer Protection Agency is an important step forward. But it is frightfully weak and should be strengthened.

Rep. Benjamin Rosenthal of Elmhurst and consumer advocate Ralph Nader are understandably disturbed that, as Mr. Rosenthal puts it, "the guts have been taken out" of his original bill. He calls the present measure "a sheep in wolf's clothing" because it would create a consumer agency without effective power.

Rep. Chet Holifield of California, chairman of the Government Operations Committee which rewrote the original Rosenthal bill, defends his bill as "a practical start, getting the tree planted, and getting an organization set up."

In that respect Mr. Holifield is right. His bill is better than nothing—though not much. While we can't agree with Mr. Nader, who says he would rather see no bill than the Holifield bill, we are afraid the consumer will not benefit much unless the bill is improved.

The nub of the problem is how much power the CPA should have in dealing with other Federal agencies. The Holifield bill would give it virtually none. Unfortunately, the sad history of federal regulatory agencies is that they too often favor the very people they are supposed to regulate. The loser, of course, is the consumer, who now has no effective voice at the top level of government.

With a strong Consumer Protection Agency—with power to delve into other agencies' handling of consumer cases—the little man finally would be represented.

The strong endorsement of the Nader-Rosenthal position by Rep. Wilbur Mills, the influential chairman of the House Ways and Means Committee, has brightened hopes for passage of Mr. Rosenthal's amendment to strengthen the bill. The fact than an election year is around the corner—and congressmen need every consumer vote they can garner—also may help.

Even if Mr. Holifield prevails in the House, the Senate still could swing the balance. The upper house is expected to approve the stronger bill again, as it did last year—when it died in the House Rules Committee. Then a conference committee could strengthen the final product.

But we would prefer just as strong support for a truly effective bill in the House as in the Senate. It is time for Congress and President Nixon to ignore special interests and create a Consumer Protection Agency with the power it needs to do an effective job.

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise today to discuss H.R. 10835. I was the only member of the subcommittee not to vote to report this bill to the full committee. I voted "present" with mixed emotions, because I think it is a much better bill than it might have been but not as good a bill as it ought to be.

I do want to, first of all, compliment all of the members of the subcommittee who worked long and hard this year in producing the legislation that is now before us.

I joined, as a member of the subcommittee last year, in cosponsoring the bill that failed to receive favorable action in the Rules Committee.

However, Mr. Chairman, I rise today to say that this bill is a much better bill than that which I cosponsored last year.

I think all of the members of the subcommittee learned a good deal more about this legislation and some of the hazards it may create as well as some of the things we would not want it to do, because we had very thorough hearings this year in contrast to the somewhat precipitous action which we took last year. These thorough hearings pointed out some of the pitfalls and hazards.

In many ways the bill before us is designed to avoid those hazards and pitfalls.

There is, I think, a great deal of difficulty in the category involved in section 204 which has been, I think, properly described as the heart of the bill, the representation and the intervention provisions given to the Consumer Protection Agency, the voice of the consumer.

Mr. Chairman, there seems to be a great deal of difference of opinion as to the question of formality or informality as to administrative proceedings and when the Consumer Protection Agency can intervene as a party.

I would like to help in trying to make the legislative record so that when the agency is created, as I believe it will be, the courts will have something to turn to to determine whether or not the agency may participate as a party.

I think that one of the assets that our subcommittee had was the counsel of Roger Cramton, Chairman of the Administrative Conference of the United States, who recently sent a letter to the chairman of our committee, the gentleman from California (Mr. HOLIFIELD), in which he discusses this question.

He says in this letter:

Agency proceedings, however, are carried on with various degrees of informality, and it is somewhat difficult to translate the concept of intervention as a party, embodied in section 204(a)(2), to proceedings so unstructured that one cannot realistically speak of parties and their rights. For example, any agency with enforcement responsibilities in a given area must make a host of informal decisions daily, to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action. One cannot define the Consumer Protection Agency's authority with respect to such informal procedures in terms of intervention as a party. If it is desired that the Agency be consulted in all such decisions, the bill should say so and should, in addition, establish a mechanism for such consultation. My own view is that such a mechanism would guarantee administrative chaos.

I thoroughly agree with Mr. Cramton.

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

Mr. ERLENBORN. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. I am very glad that the gentleman quoted that from Chairman Cramton of the Administrative Conference of the United States and I shall yield the gentleman some additional time should he need it because I feel this is a very important letter and comes from a very important source.

I think the House should know that the Administrative Conference of the United States was set up by Congress in 1964. It is composed of not more than 91 nor less than 75 members. The Chairman is appointed for a 5-year term and the 10 members of the Council are appointed for 3-year terms by the President. The Chairman is approved by the Senate.

The purpose of this body and its staff is to study continuously the Administrative Procedure Act and to recommend to Congress and to the President methods by which the departments and agencies can more efficiently conduct their business and in a more orderly manner, particularly in the field of hearings, the promulgation of rules and regulations, and that sort of thing.

So, the gentleman has quoted from Chairman Cramton a very pertinent point.

There is another very pertinent point in this respect, and it will be put into the RECORD. I intended to get it in last night and said so in my remarks but inadvertently it was either lost by the RECORD clerk or I failed to put it in—I cannot say which—because I wanted all Members to have access to it.

There are many other sections of that letter which undoubtedly should be quoted, and will be quoted in the general debate. I offer it for the RECORD:

ADMINISTRATIVE CONFERENCE OF
THE UNITED STATES,
Washington, D.C., October 8, 1971.

Hon. CHET HOLIFIELD,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOLIFIELD: In your letter to me of October 5, you request my comments as to the meaning and effect of certain provisions in section 204(a) of H.R. 10835, as reported by the Committee on Government Operations. Section 204(a) deals with the representation of consumers by the Consumer Protection Agency in certain Federal agency proceedings.

A. *Meaning of "Fine, Penalty, or Forfeiture."*

Section 204(a)(2) would permit the Agency to intervene "as a party *** in any adjudicatory proceeding (other than an adjudication seeking primarily to impose in fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree, promulgated thereunder)." You request my comments on the scope of the parenthetical exception in the light of existing agency powers and practices.

The Committee report on the bill, H. Rept. No. 92–542, states that the words "fine, penalty or forfeiture" refer to "quasi-criminal type punishments and proceedings" and that the words are much narrower than the term "sanction" as defined in the Administrative Procedure Act, 5 U.S.C. 551(10). In particular, "fine," according to the report, is the equivalent of a money penalty, and "forfeiture" a divestiture of property without compensation. The scope of "penalty" may be somewhat less precise. The foregoing interpretation is certainly consistent, in my view, with the ordinary meaning of the words.

The Administrative Conference is presently engaged in a study of the use of fines or money penalties by federal agencies. Our survey of 46 departments, agencies and bureaus has disclosed that 31 presently have authority to initiate proceedings seeking money penalties. While there are great variations among the statutes, these penalty provisions fall into two broad categories: The first is where the agency has authority to determine the respondent's liability for a penalty in a quasi-judicial proceeding, subject only to a narrow judicial review. This category of proceeding should, in my view, be considered an adjudication "seeking primarily to impose a fine, penalty or forfeiture" within the meaning of section 204(a)(2). But this category is very narrow and such proceedings do not seem likely to have much effect on consumer interests.

The category includes civil penalties imposed by the Immigration and Naturalization Service under the Immigration and Nationality Act, 8 U.S.C. 1227, 1229, 1323, etc., those assessed by the Secretary of Labor and imposed by the Occupational Safety and Health Review Commission under the Occupational Safety and Health Act, 29 U.S.C. 659, 666, and penalties imposed by the Federal Maritime Commission for failure to comply with the financial responsibility requirements of the Shipping Act, 46 U.S.C. 817d, 817e. Certain penalties imposed by the Postal Service on carriers, 89 U.S.C. 5206, 5603, 5604, and by the Federal Home Loan Bank Board on savings institutions, 12 U.S.C. 1425 a(d), may also be in this category.

In all other penalty proceedings that we are aware of the respondent or defendant is entitled to contest in a de novo judicial proceeding any agency assessment of penalties. Of course, there are wide variations among agency procedures employed in the assessing of penalties. It might be argued that an agency proceeding to assess penalties is an adjudication notwithstanding that it is subject to de novo judicial review. Among the penalties assessed in agency proceedings which appear to be sufficiently structured that they might reasonably be considered adjudications under this test are tax penalties assessed by the Internal Revenue Service, the imposition of penalties by the Secretary of the Interior for violation of the Federal Coal Mine Health and Safety Act, 30 U.S. 819(a), marketing penalties imposed on producers under the Agricultural Adjustment Act, 7 U.S.C. 1314, 1340, *etc.*, penalties imposed by the Atomic Energy Commission for violation of licensing requirements under the Atomic Energy Act, 42 U.S.C. 2282, penalties imposed by Bureau of International Commerce under the Export Control Act, 50 App. U.S.C. 2405, and penalties imposed by the Federal Communications Commission under the Communications Act, 47 U.S.C. 503.

With respect to the remaining penalty provisions, the agency is simply authorized to collect penalties by civil suit. In most of these cases the agency is also authorized to compromise and remit penalties, see, *e.g.*, 15 U.S.C. 1398; 49 U.S.C. 1471, and frequently does so, but it seems doubtful that the communications and negotiations which lead to such a resolution rise to the level of an adjudication as that term is used in the Administrative Procedure Act. See *United States* v. *Western Pac. R.R. Co.*, 385 F.2d 161, 163 (10th Cir. 1967).

Insofar as forfeitures are distinct from fines and penalties, we know of no administrative proceeding for declaring a forfeiture. Forfeiture is accomplished by a civil action, generally an *in rem* proceeding, in Federal district court. See, *e.g.*, 21 U.S.C. 334.

There may be some room for dispute as to whether "penalties" in section 204(a)(2) encompasses anything more than money penalties. I am thinking particularly of the case of proceedings to revoke or suspend a license. Bearing in mind that the basic purpose of the parenthetical exception is to preclude a situation in which the respondent is essentially pitted against two prosecutors, I think it might make sense to interpret "penalties" to include license revocation proceedings in those situations where the issue is simply whether the respondent violated the law or the standards of the profession, *e.g.*, SEC disciplinary proceedings against a broker or dealer.

A different result would be reached with respect to proceedings to renew or to refuse renewal of a license where access to the industry or trade is limited, *e.g.*, broadcast license, because such a proceeding is less accusatory and the issues of who will best serve the public interest tend to be broader. On the other hand, one could also argue that the revocation or suspension of a license is not a penalty because the subjects are dealt with separately in the APA's definition of sanction, 5 U.S.C. 551(10) (C) and (F). I think this is a point which might well be clarified by legislative history.

In summary, it is my view that "fine, penalty, or forfeiture" for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved. The phrase should be interpreted to effectuate its obvious intent to preclude intervention by the Agency only when the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

B. *Application to Informal Administrative Process.*

You also request me to comment on the scope of the applicability of section 204(a) to agency proceedings, particularly in the light of the assertion that it applies only to "formal" and not to "informal" agency proceedings. First, I think it is clear that nothing in section 204(a) limits the Consumer Protection Agency to participation in formal agency proceedings, and by "formal" proceedings, I mean proceedings conducted on a record and in accordance with the provisions of 5 U.S.C. 556 and 557. The report states specifically section 204 also applies to participation in informal proceedings.

Agency proceedings, however, are carried on with various degrees of informality, and it is somewhat difficult to translate the concept of intervention as a party, embodied in section 204(a)(2), to proceedings so unstructured that one cannot realistically speak of parties and their rights. For example, any agency with enforcement responsibilities in a given area must make a host of informal decisions daily, to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action. One cannot define the Consumer Protection Agency's authority with respect to such informal procedures in terms of intervention as a party. If it is desired that the Agency be consulted in all such decisions, the bill should say so and should, in addition, establish a mechanism for such consultation. My own view is that such a mechanism would guarantee administrative chaos.

Under the provisions of H.R. 10835, the Agency will have broad powers to participate in and influence the informal administrative process. It will have broad authority to secure information from Federal agencies, extending to examination of investigatory files, working papers, staff documents and the like, unless there is a statutory prohibition against revelation of such information to another agency of the Federal Government.* The Agency is given specific authority (see 302(1)) to require Federal agencies to notify it of "any action which may substantially affect the interests of consumers. . . ." In my view, a request for notification made by the Agency to another Federal agency may apply to a class of informal proceedings that are likely to have significant effects on consumers and need not be limited to a specific action. The Agency's power to communicate with Federal agencies (sec. 204(i)) means that it can transmit evidence of alleged violations, request that specific action be taken, and seek to express its view concerning any matter (including informal settlement discussions) before any Federal agency.

If the Administrator and his staff are intelligent and competent, they will be fully informed concerning significant activities that are likely to affect the interest of consumers. If the Agency demonstrates an ability to communicate information and policy concerning consumer interests, there will be no problem concerning its admission to informal discussions covering a wide variety of matters. Only if the Agency is incompetent or irresponsible is there likely to be a practical problem of its being excluded from discussions in which the interests of consumers are under consideration. And, of course, no addition of statutory authority will make up for lack of competence or responsibility.

The informal administrative process covers an immense variety of governmental activity. Since present law does not require any uniform notice or procedure for this category of governmental activity, and since judicial review is ordinarily unavailable in these situations, statutory language which entitled the Agency as a matter of right to participate in all aspects of the administrative process would probably prove to be meaningless. The well-established doctrine, for example, that prosecutorial decisions by Federal agencies are "committed to agency discretion" and hence nonreviewable in the courts will not be altered by minor changes in the bill's definition of "proceeding." The crucial questions, if the informal administrative process is to be opened to the Agency and to other interested persons, relate to the category of matters in which an agency

*Sec. 202(c)(2).

would be required to give notice of something that it is doing, the procedures that it would be required to follow in taking such action, and whether, how and when the action would be subject to judicial review. Not enough is known about the informal administrative process to delineate these issues in detail; and no pending statutory proposal even purports to do so.

H.R. 10835 makes it clear that the Agency is not barred from participation in the informal administrative process. The powers of investigation, notification and communication, summarized above, are a fully adequate basis for effective participation by the Agency in informal administrative decision-making. Moreover, the Agency will be able to exercise any powers that are available to other private persons or government agencies in participating in the informal process or obtaining judicial review. If present law obligates a Federal agency to perform a particular function in a public proceeding, the Agency as well as others may vindicate that right in an appropriate judicial review proceeding brought under section 204(d).

Thus the holding that the Civil Aeronautics Board failed to follow required public procedures in privately negotiating agreed rate filings, to be accepted without suspension, could be enforced by the Agency if it were excluded from any such discussions, *Moss* v. *CAB*, 430 F.2d 891 (D.C. Cir. 1970). Similarly, the Agency will have the same powers to comment on and to attack FTC consent orders, as well as those of other agencies, that are possessesd by other persons adversely affected by those orders. The law is evolving very rapidly in this area and it is impossible to summarize precisely the situations in which public participation will be judicially enforced. But wherever that right exists, the Agency may vindicate it if the rights of consumers are adversely affected and their interests are not otherwise adequately represented in the court proceeding (sec. 204(d)).

It is true that, in situations in which no one is given rights of participation or of judicial review, the Agency will generally have no right of entry, of procedure, or of judicial review other than those conveyed by its general powers of investigation, notification and communication. The Agency can be given additional rights, not possessed by others, only at the risk of grave interference with the functioning and responsibility of Federal agencies that have been invested by statute with important functions. As a practical matter the Agency is likely to be given large access to decision-making by Federal agencies that will affect consumers. If a particular agency abuses its responsibility in this regard, the public may rely upon the power of the press to vindicate its interests. The sanction of publicity, which will be easily available to a governmental official who is the consumer's official spokesman, is likely to be a more effective remedy than any formal legal rights of entitlement to participate.

Sincerely,

ROGER C. CRAMTON,
Chairman.

Mr. ERLENBORN. I thank the Chairman.

I think it is important we make legislative history here, and some have pointed out that the Consumer Protection Agency will be excluded as a party from informal proceedings. I think the gentleman from New York has already made the point that the committee report says, and I quote from page 9:

H.R. 10835 allows the Consumer Protection Agency to intervene as a party in agency adjudications without any reference to the degree of formality.

Now, I think that what we intended to do was to allow the Agency to participate in proceedings where other parties participate. Where parties are proper in the Agency's determination then the Consumer Protection Agency should also be there as a party. This I think would be the test, rather than the formality or the informality of the proceeding. If it is the purpose of that proceeding that parties should be given an opportunity to express their particular point of view, then the Consumer Protection Agency should be there.

Now, if it is such an informal proceeding, as the Attorney General, consulting with his chief assistant as to whether information should be filed, or a criminal action should be taken, then parties are not proper and the Consumer Protection Agency should also be excluded.

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

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

Mr. ROSENTHAL. Mr. Chairman, I thank the gentleman for yielding. I do want the gentleman to know that under the provisions of the Moorhead amendment the agency could not participate in any informal proceeding. I would personally prefer that, but they cannot. All they can do is to systematically study and oversee these informal proceedings, and report to the Congress.

Now, I believe it is important that Congress, when agencies are delinquent and sluggish in acting and moving, such as when the FTC failed for 3 months in California to get off the market, highly flammable scarfs coming in from Japan. What the agency ought to do in informal proceedings is look at them and report to the Congress. How anyone can object to that I do not know.

Mr. ERLENBORN. I am not actually addressing myself to that amendment, but to the bill that is before us. I will have some comments to make about the Fuqua amendment. However, I would like to quote again from Mr. Cramton. He says:

The informal administrative process covers an immense variety of governmental activity. Since present law does not require any uniform notice or procedure for this category of governmental activity, and since judicial review is ordinarily unavailable in these situations, statutory language which entitled the Agency as a matter of right to participate in all aspects of the administrative process would probably prove to be meaningless.

I think we should bear that in mind. We do not want to do anything here that would be meaningless.

I again quote:

The powers of investigation, notification and communication, summarized above, are a fully adequate basis for effective participation by the Agency in informal administrative decision-making. Moreover, the Agency will be able to exercise any powers that are available to other private persons or government agencies in participating in the informal process or obtaining judicial review.

I think those are the key words. We will equate the power of this agency in such informal proceedings to the power that other private parties or other Government agencies would have in those situations, and when it would be proper for them to participate as a party.

Mr. HOLIFIELD. Mr. Chairman, would the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. HOLIFIELD. In that connection I would read from the Administrative Procedure Act, section 702:

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

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

Mr. HORTON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. HOLIFIELD. If the gentleman will yield further; so, when they say we are denying judicial review, and we are not allowing full participation, they are misstating the purpose and the intent of the bill, and, under general law already enacted and being used every day, these rights prevail.

Mr. ERLENBORN. I thank the gentleman.

Now, having helped in making the legislative history as to when the agency may participate as a party under the committee bill, let me say very frankly that I feel the agency should be in the nature of an amicus curiae. It has been rightly said, and I certainly agree, that the voice of the consumer is not heard in many of the proceedings of our Federal agencies.

When there is a rate case pending before the Federal Communications Commission or before the Federal Power Commission. The consumer per se is not there—his voice is not heard.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield on that point?

Mr. ERLENBORN. I yield to the gentleman.

Mr. HOLIFIELD. I asked the gentleman to yield on that point because it is on this point that the gentleman and I differ.

Would the gentleman not agree that the amicus curiae amendment will take away from the agency the right which is now obtained by almost anyone who is aggrieved or hurt by an order or a decision? The right of judicial review would be taken away and it would subtract from the CPA administrator the rights now obtained by any citizen.

Mr. ERLENBORN. The point I am making is that the voice of the consumer should be heard. The consumer is not really a party in interest. As a matter of fact, you can pick an individual on the street and say, "This is your interest, as a consumer, that ought to be protected"—without taking into consideration his interest as other than a consumer.

A consumer can also be an environmentalist—he has conflicting interests.

The agencies we are talking of, before which the CPA would appear are charged with the public interest. That is what is really important. It is not a consumer interest or an environmentalist interest or any other fractionalized in-

terest of us as individuals or collectively as the public. But what we should be interested in is seeing that the public interest is served. That is what the FCC and the Federal Power Commission and the FDA and all these other agencies are supposed to determine—what is in the public interest.

I predict that if we begin to fractionalize people and say, "Your interest as a consumer is going to be represented in a legal fashion by this agency"—then the environmentalist will say, "We should have equal rights"—and then somebody else representing the public in another aspect of their interest will say, "We should also have equal legal rights."

To the point that when an agency is trying to determine the public interest, they will have all of these conflicting private interests being represented—and unable to satisfy all of them—and every agency decision will be appealed and will go through the courts and the governmental process will come to a grinding halt.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. BROWN of Ohio. In the colloquy with our chairman, the gentleman in the well indicated that the CPA, if given the amicus curiae right only, would not have the right to appeal to the courts a decision in a case.

The gentleman in the well is a lawyer—and I am not. But would not the facts which the CPA developed in its amicus curiae presentation to the host agency provide the material or the information on which any participant in the case could make an appeal to the court? Is that correct?

Mr. ERLENBORN. Yes, I think that is correct. As a matter of fact, I am certain that that is correct.

In addition, I think as the gentleman from California read from the administrative procedures act, any aggrieved party may appeal.

Mr. BROWN of Ohio. In other words, an aggrieved party would not necessarily be precluded from the appeal of a decision by an administrative agency.

Mr. ERLENBORN. That is my understanding.

Mr. BROWN of Ohio. Some party aggrieved by a decision of an agency would now have the right to appeal whether it had been a party to the initial proceeding.

Mr. ERLENBORN. That is my understanding.

Mr. BROWN of Ohio. And would use the information developed by the CPA in its amicus curiae role?

Mr. ERLENBORN. That is right.

Mr. BROWN of Ohio. And the CPA further would have the obligation, would it not, to advise the consumer of his rights as a consumer. In effect then, even with the amicus curiae powers only, the CPA would bring the force of the Federal Government and its information-gathering facilities to the support of the consumer in a legal action on appeal?

Mr. ERLENBORN. Yes; that is exactly correct.

Mr. BROWN of Ohio. Then the amicus power is not as weak as one might assume.

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

Mr. HORTON. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Illinois.

Mr. ERLENBORN. Does the gentleman desire me to yield?

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

Mr. ERLENBORN. I am happy to yield to the gentleman from New York.

Mr. HORTON. The words which the Chairman read from the Administrative Procedure Act were the words "aggrieved party." The word "party" is a legal term that has significance. If a CPA appeared as amicus curiae, it would certainly not be a party, so the rights to which the Chairman referred which would be given under the present bill would not obtain, would not be available to the CPA, because it would not be a party. Is that correct?

Mr. ERLENBORN. I understood the words to be "an aggrieved person" rather than "party."

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

Mr. ERLENBORN. I am happy to yield to the gentleman from Florida.

Mr. FUQUA. I appreciate the gentleman's yielding. To consider only one point cited by the Chairman, in section 702 of title 5 United States Code, certainly we provide that if a person is aggrieved by an agency action, he has recourse, but we do not grant that power aggrieved agencies under that section. Under H.R. 10835, however, we would grant this right to the consumer advocate and the result would be the consumer advocate could attack other instrumentalities of Government.

Mr. ERLENBORN. The gentleman is correct, and I thank him for his contribution.

Let me make one further observation on this point. I should like to read from the letter of Chairman Cramton, and let me make clear that he is not using the argument for the same purpose I am going to be using it. But I use his rationale in support of the Fuqua amendment. In the last paragraph of his letter he states:

> It is true that, in situations in which no one is given rights of participation or of judicial review, the Agency will generally have no right of entry, of procedure, or of judicial review other than those conveyed by its general powers of investigation, notification and communication. The Agency can be given additional rights, not possessed by others, only at the risk of grave interference with the functioning and responsibility of Federal agencies that have been invested by statute with important functions. As a practical matter the Agency is likely to be given large access to decision-making by Federal agencies that will affect consumers. If a particular agency abuses its responsibility in this regard, the public may rely upon the power of the press to vindicate its interests. The sanction of publicity, which will be easily available to a governmental official who is the consumer's official spokesman, is likely to be a more effective remedy than any formal legal rights of entitlement to participate.

I think that is the best argument I have heard yet in support of the Fuqua amendment. Through the agency as amicus and his access to the press the voice of the consumer can be heard.

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

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman, I would like to repeat at the outset something that I am sure has been said to the point of ad nauseam, but it bears repetition. The bill that has been produced for our consideration today is probably the only kind of bill that the committee could have produced. The chairman of the full committee and, conversely, the ranking member of both the full committee and the subcommittee, performed what I believe in my own legislative judgment a minor miracle in producing any legislation at all. The diversity of views within the committee, both the full committee and the subcommittee, are wide. As the debate unfolds, I think that will become apparent.

The desire to produce legislation was shared by the chairman and the ranking minority members of the committee. I think they did a whale of a job. I think that some of the assumptions that caused this problem, this difficulty in producing legislation that required such delicate language and delicate ritual, if you will, legislative dancing, comes about because of three erroneous conceptions:

No. 1, that somehow the consumer in this land is being systematically and overwhelmingly abused. This was an assumption that everybody seemed to take for granted.

Yes, the consumer is the victim.

A second assumption was that all Federal agencies which are now charged with the protection of the consumer in one form or another are somehow doing a horrendously bad job and need the constant vigilance of what I consider is the interesting concept of this gallant band of consumer protectors that we are creating with this agency. Let us face it: We are creating another bureaucracy, and under the terms of this bill, in my view, we are simply unleashing this new bureaucracy on the old bureaucracy. If the assumption that the existing agencies are not doing the job is valid, then there is nothing to assure us that the new agency will do a better job.

I would consider the failure to pass the Fuqua amendment would be a failure that would generate problems for the consumer, and rather would make the present problems of the consumer small by comparison.

In fact, if the Fuqua amendment fails, I am going to share with the Members an amendment which I plan to offer. I offer this with a shy little smile, because I would hope the Members would understand my motivation. I am going to try to establish in this bill an Indian Protective Agency, because the American Indian, my friends, has problems that make the American consumer problems nonexistent.

If the posture is that the Federal agencies who are charged with the protection of various segments of our society are not able to do a good job, if we accept the bill as the committee produced it, if we accept the Moorhead amendment as desired by the gentleman from New York, then in consistency—and I know we are interested in consistency—the situation demands that we establish an Indian Protective Bureau. It will have a chief and a deputy chief, naturally and they will be empowered to invade any agency that fails to pay attention to the needs of the American Indian.

That may seem a little broad, but I assure the Members that we are doing exactly the same thing here under what I consider a misapprehension that the consumer is first desperately abused and second that we are somehow going to save him with the passage of this legislation.

We have been kidding ourselves, but there is no kidding about one thing. We are going to produce a consumer protective agency bill in this House in the next day or two. I strongly urge—and I know I am talking to people more knowledgeable than I am, and whose minds are made up—but I strongly urge that the Fuqua amendment is to many of us the very furthest we can go in unleashing guerrilla warfare between Federal agencies.

Again I commend the chairman of the full committee for having been able to bring this bill out, and the gentleman from New York (Mr. HORTON) and the gentlewoman from New Jersey (Mrs. DWYER) for their yeoman efforts in holding us together. Obviously at this point we are no longer together, but I urge the Members to consider the Fuqua amendment. It is very important. We are going to produce a consumer protection agency.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. WRIGHT) a member of the subcommittee.

Mr. WRIGHT. Mr. Chairman, at the outset, I should like to say a couple of things with respect to this bill as it comes to the Congress from the Committee on Government Operations, and then I should like to direct questions to the chairman and to the ranking minority member of the committee, so as to make some legislative history as to our intent in two specific respects.

First, let me say as a member of the subcommittee that carefully and, indeed, meticulously and painstakingly considered and hammered out the details of this legislation, that I think it is a good bill as it comes to us. It is not a perfect bill, perhaps, because the failings of mortality prevent that in any draftsmanship, but it is a good bill.

I expect to offer and, indeed, support some amendments, which I believe, will make a better bill of what I think is a good bill. But I want to say in behalf of the gentleman from California, the chairman of this committee (Mr. HOLIFIELD), that throughout these long deliberations, the public hearings which lasted most of this year and the drafting sessions which lasted for several weeks, that he has been painstakingly fair, unfailingly courteous, and forever patient in his attentiveness and courtesy to every member of the committee and subcommittee. He has resisted with equal firmness amendments which he thought would make too strong an agency, a super agency, as well as amendments which he thought would weaken the effective right of this agency to represent the rights of the consumers.

So I should like to compliment and commend the chairman of the committee for the diligent, painstaking job that he did.

Now I should like to ask two questions of the chairman.

The first relates to the question which has been under discussion within the past few minutes, the question of the right of this Consumer Protection Agency to go into court and seek judicial review upon the failure or the refusal of an existing Federal agency to take action in cases where a court would find that the action should have been taken.

It has been contended by some, and some read the bill to direct, that the Agency would have the right only to seek judicial review upon affirmative actions and affirmative decisions of another agency. The Consumer Federation of America recommends an amendment to make clear that an action of an agency to be subjected to such review might include as well a failure or refusal of that agency to act.

I wonder if it is not the interpretation of the chairman—I read it so from his well-reasoned remarks in yesterday's CONGRESSIONAL RECORD—that the intent of the committee in reporting the bill was to make equally available to the Consumer Protection Agency the same right which is available now to other parties to seek judicial review upon the failure or the refusal of an agency to take action.

Mr. HOLIFIELD. The short answer to that is of course "yes." I quoted section 702 of the Administrative Procedure Act, which does give other people these rights.

I should like to go into a little detail, if I might, so that the intent of the committee and the bill would be clear.

The Consumer Protection Agency will be able to obtain judicial review of any Federal agency proceeding, whether rulemaking or adjudicatory, in which the agency previously had intervened, if a right of judicial review is otherwise accorded by law. Since specific statutes, and the Administrative Procedure Act in general terms, provide for judicial review, the Consumer Protection Agency will have rights of review on a par with other parties to Federal agency proceedings.

And, of course, the Consumer Protection Agency will have access to the courts, as do other parties, to compel agency action when there is undue delay or failure to complete a proceeding. The Administrative Procedure Act provides for such contingencies.

In the event the Consumer Protection Agency did not appear as a party in an agency proceeding, it could still seek judicial review if the court found that the agency action might adversely affect consumers or not otherwise give them adequate protection.

You will note also that, as provided in section 302, the Consumer Protection Agency may petition the Federal courts to enforce the congressional mandate put upon every agency of the Government by that section—to give due consideration to consumer interests where these are involved in the agency's actions.

Mr. WRIGHT. I observe that the Administrative Procedure Act includes both denial of relief and failure to act within the term of the agency action, and agency actions are subject to judicial review.

Mr. HOLIFIELD. Yes.

Mr. WRIGHT. So the chairman would have no objection, I gather, to the offering of an amendment, which I previously discussed with him, simply to make clear that a failure to act would be similarly subject to the same judicial review.

Mr. HOLIFIELD. I certainly want to make that clear. The gentleman has a clarifying amendment which he submitted both to the gentleman from New York (Mr. HORTON) and to me. We have looked at it carefully. It is completely within the intent of the act and in my opinion the wording of the bill, but it does clarify it to a certain extent.

The gentleman brought up a very fine point I wish to emphasize. In section 551 of the Administrative Procedure Act (13) it says:

> "Agency action" includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

Now, that is just about as clear as language can be made. It is part of the existing law, and it applies to the administrator of this agency the same as it does to any others.

Mr. HORTON. Will the gentleman yield?

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

Mr. HORTON. I heard the statement made by the chairman (Mr. HOLIFIELD) and I want to concur with his statement that the gentleman from Texas did submit this proposed amendment to us, and we have studied it and it is clarifying. We feel it does clarify and make more clear the language of the bill, and we are willing to accept it at the appropriate time.

Mr. BROWN of Ohio. Will the gentleman yield to me?

Mr. WRIGHT. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. How does the language of your amendment apply to such things as consent decrees in the FDA?

Mr. WRIGHT. I do not personally feel that a consent decree would be interpreted as a failure to act or a denial of relief. That would be my personal interpretation.

Mr. BROWN of Ohio. Does the chairman concur with that?

Mr. HOLIFIELD. I am in the same position as the gentleman from Ohio is. I am not a lawyer. I would concur with the general sense of what the gentleman

from Texas (Mr. WRIGHT) says, but I cannot speak as a lawyer on that point. The gentleman from New York (Mr. HORTON) is a lawyer, and maybe he can speak on that from that viewpoint.

Mr. HORTON. Will the gentleman yield?

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

Mr. HORTON. I would agree with what the gentleman from Texas said. I think it also ought to be made clear that the proposed amendment refers to subsection (e) of section 204, and perhaps I should read that section here.

(e) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

So that only applies to the failure of the agency to act on the request made by the Consumer Protection Agency.

Mr. BROWN of Ohio. Is that substantially the thrust of the gentleman's amendment?

Mr. WRIGHT. That is the thrust of my amendment. It would make clear that the Consumer Protection Agency would have the right of judicial review, where otherwise permitted by law, in those cases where another agency failed to act.

Mr. BROWN of Ohio. Thank you.

Mr. WRIGHT. On one other point that has been obscured and obfuscated by somewhat exaggerated statements, it seems to me, on both sides, I should like to get some further clarification from the chairman and, if he desires to comment, from the ranking minority member. This question involves the Consumer Protection Agency's right to involve itself as an intervener or as a party in informal proceedings. The U.S. Chamber of Commerce has taken the position that this bill puts the Consumer Protection Agency into 90 percent of all the proceedings and inquiries. Others have taken the position that the bill as it presently stands removes the Consumer Protection Agency from upward of 90 percent of all these various proceedings. The confusion arises perhaps over the problem of just what is an informal proceeding and the extent to which the bill as presently drafted permits or denies the right to the Consumer Protection Agency to represent the interests of consumers in such a proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I will be glad to yield the gentleman an additional 5 minutes.

Mr. WRIGHT. I thank the gentleman.

The chairman in his remarks yesterday for the RECORD said—

Bear in mind the Administrative Procedure Act does not distinguish between formal and informal proceedings as such.

Is it the chairman's interpretation that the bill as presently drafted does not exclude the right of a Consumer Protection Agency representative to appear as an advocate of the consumer interests and to engage in the relatively more informal administrative proceedings that sometimes occur?

Mr. HOLIFIELD. Will the gentleman yield?

Mr. WRIGHT. I am glad to yield to the chairman.

Mr. HOLIFIELD. That is my position and, of course, it is contrary to a lot of things that have been said about the bill. In my opinion, this bill gives the Consumer Protecton Agency the power insofar as proceedings are of a nature where intervention is informal. These proceedings are the ones described in the Administrative Procedure Act as rulemaking and adjudicative.

There are, of course, some agency actions in which there is no meaningful way to intervene. An agency official may decide to handle one complaint by a telephone call and another by an investigation. Even Mr. Rosenthal concedes that there is no way for the Agency to effectively intervene in an agency action of this nature.

The bill assures representation of consumer interests throughout the range of agency proceedings, however. In all proceedings in which intervention or participation is practical, except those which are punitive in nature or concerned solely with internal agency matters, the Consumer Protection Agency, as a matter of right, may participate or intervene. This is without regard for whether the proceeding is informal or formal. The language of the bill is quite clear. It states, "any rulemaking proceeding" and "any adjudicatory proceeding". It is clearly the intention of the bill, and this is confirmed by the language of our report, that the form of adjudication or rule-making will not affect the rights of the Consumer Protection Agency to represent the interests of consumers if that agency deems it necessary to do so.

Even in the agency actions in which intervention is not practical, the Consumer Protection Agency can make its views known. It can always communicate information and appear as amicus curiae at the discretion of the host agency. Since Federal agencies are authorized and directed to furnish information which the Administrator of the Consumer Protection Agency deems necessary for the performance of his functions, he can insure that he is kept abreast of those agency actions in which he has an interest. He will thus be able to transmit his views for consideration at any stage of agency action.

Mr. WRIGHT. I thank the gentleman.

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

Mr. WRIGHT. Of course I am glad to yield to my distinguished colleague from Texas.

Mr. PATMAN. I would like to ask the gentleman this question:

Am I correct in stating that the Office of Consumer Affairs and the Consumer Protection Agency will also be responsible for investigating, reviewing, and disseminating information to the public and the Congress concerning the various federally subsidized housing programs?

We know, for example, as a result of the investigations conducted by the House Committee on Banking and Currency, that many of the federally subsidized housing programs, including the 235 and 236 programs, have been to too significant a degree taken over by speculators and shysters who have taken advantage not only of the Federal Government, but perhaps more importantly of the people who were to benefit from the subsidy.

In the 235 program, for example, both as far as new construction and existing dwellings are concerned, shoddy workmanship, fraud, and deception were the conclusions reached by the committee investigation conducted last year on the part of both builders, real estate speculators, and financial institutions who were found to be in cahoots with speculators.

The Consumer Protection Agency which this bill would create could be of immense help in making sure that these housing programs were being carried out according to the spirit and word of the law and that the consumers, whom we seek to benefit by these programs, are receiving decent, safe, and sanitary housing as the law provides.

Would the gentleman in the well agree with me that the Consumer Protection Agency and the Office of Consumer Affairs would not only have the authority, but the responsibility to investigate the housing area, disseminate necessary and proper information to the consumer on housing, and inform the Congress of their recommendations as to how the programs are to be made to work more effectively?

Mr. WRIGHT. My answer to the gentleman from Texas would be "Yes," because on page 30 of the bill we find the definitions for the terms "consumer" and "interests of consumers." Under the language of the bill the term "consumer" means "any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration."

Obviously, a home or an apartment represents goods and services offered for consideration and obviously it is offered for personal, family and quite patently and manifestly for household purposes.

Therefore, my answer would be in the affirmative.

I think, unquestionably, that the questions of interest rates—rates of interest—they being charges levied upon a service provided to consumers, would also be covered under the terms of the bill.

As the gentleman from Texas knows, he and I have discussed a perfecting amendment that the gentleman drafted and asked if I would offer in order to make that particular point clear.

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

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. WRIGHT. I yield further to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I want to state that I am in thorough accord with the gentleman's views and I support them. This would be of great significance with reference to sections 235 and 236 of the housing programs and other federally subsidized housing programs because there is a big demand for more investigative work in that area. In fact, it is my opinion that every Member of this House should engage themselves into

looking into this matter because it would not involve too much of their time. We thank the gentleman's committee for doing that job.

The interest rate amendment of the gentleman from Texas (Mr. WRIGHT) would add the following language to line 15, page 20, after the word "including", add "annual reports on interest rates." The effect of this amendment, as I understand it, would be to have the Consumer Protection Agency make continuing studies of interest rates as they affect the consumer and report such information to the public and the Congress, along with whatever recommendations they might have which would reduce interest rates and other finance charges to the consumer.

Interest rates now cost the American people, both public and private debt, about $150 billion a year. This is equal to more than 10 percent of our gross national product. Just think what it would mean if the consumer, as a result of the information provided by this Agency, could reduce interest costs by just a few percentage points on a car purchase or a home mortgage loan.

Further, as I understand your amendment, not only would this Agency provide information to the consumer on where, when, and how to borrow, but the Agency could be of substantial help to the Congress in its deliberations over interest rate policy and legislation relating to financial institutions over which the Congress has control. Certainly if what we seek to do in this bill is to provide necessary information and assistance to consumers to enable them to live better, one of the vital areas that the Agency must concern itself with is the whole question of interest rates and other financial costs.

This amendment becomes most important when we recognize the fact that one of the largest costs in the family's budget today is the cost of interest and other finance charges.

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

Mr. WRIGHT. I yield to the gentleman from California.

Mr. HOLIFIELD. I think that the gentleman's colloquy and his questions and the explanations are probably coming as a shock to some of the people that have been told that this bill is not a good bill; that it does not cover the subject matter and that this agency is not given power to do a great deal.

I think it is coming as a shock to them, and I honestly believe that some of my colleagues who signed, in large number, a letter, if they had realized and fully known what is in this bill, I believe that a great number of them would not have signed it.

Mr. WRIGHT. I will say to the gentleman that surely I recognize it as the intent of the chairman personally, the intent of the members of the subcommittee, and the intent of the members of the full committee that this be a strong and effective bill, and I am hopeful that by clarification of the legislative intent we may remove any doubt.

As the gentleman knows, I shall offer a couple of amendments that I think, as I said earlier, might make a clearer and a better bill out of what already is a good bill, but I certainly appreciate the remarks of the gentleman.

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

Mr. HORTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for the additional time.

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

Mr. WRIGHT. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, the distinguished gentleman from Texas brought up the question of the "definitions" on page 30. As a member of the Committee on Armed Services, and one who has had occasion to query the Department of Defense, I would like to ask the gentleman in the well, or the chairman of the committee, whether or not military servicemen are considered consumers under section 304(4), or (5), the definition involving the interests of consumers.

Mr. WRIGHT. Mr. Chairman, I would certainly answer in the affirmative. The term "consumer" means "any person," and certainly that could not exclude military personnel where they are involved as consumers of goods defined under the the act. Certainly they are, in such instances, consumers.

Mr. HALL. I would think so.

Mr. WRIGHT. The term includes any person who uses for personal, family or household purposes these goods and services described in the definition, and certainly military personnel do purchase and do use such services.

Mr. HALL. Certainly this would involve military who use the post exchanges, the commissaries, and the other alleged fringe benefits that servicemen are entitled to in addition to their basic commutation, allowances, rations, and so forth and so on.

So my question that I have asked the gentleman in the well, or the distinguished chairman, is that in view of the response to a letter that I addressed to the Secretary of Defense, the letter being dated July 19, they said that while willing to cooperate, it "would be advisable in view of the functions of the military service, that they be excluded from the mandatory provisions of the bill."

I have a copy of the letter which I will be glad to insert in the RECORD at the proper time. But my question is this: Is there any exclusion or exemption for members of the military insofar as these particular services are concerned from this protection act?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I have not seen the letter, of course, and I will be glad to take a look at it. I understand that the military—and I will ask the members of my staff if this is right—the military are excluded from the Administrative Procedures Act. Is that right?

They say the military functions are excluded, but not the personnel.

But I cannot see the logic of the request, because I would think that all our people, the people who are dealing with PX's and places like that, should be given the same protection against fraudulent products, dangerous drugs, devices, articles, and so forth, the same as anyone else.

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

The Chair will advise the gentleman from New York (Mr. HORTON) that he has 1 hour and 6 minutes remaining, and the gentleman from California (Mr. HOLIFIELD) has 33 minutes remaining.

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I think all of us agree that the consumers need protection in our society today. We all labor under the admonition of Webster, which is inscribed above the Speaker in this Chamber, that we should promote all the great interests of our society, and the consumers' interest are among these.

This legislation attempts to determine how those consumer interests shall be protected. It provides a legal right for the Consumer Protection Agency to appear as a party in the proceedings of other agencies.

The term "proceedings" is used as defined in the Administrative Procedures Act, but the legislation specifically eliminates those procedures dealing primarily relating to fines, penalties, and forfeitures from direct CPA intervention.

The bill is not a "nothing"—or a nonentity—it is a very strong bill. It establishes powers for the CPA in a highly specialized field and that is the field of consumer interest, which no other agency has in such a specialized way.

"The best bill we can get out of the committee," is the way this has been described. I think it is a pretty strong bill and clearly it is the best bill we could get out of the committee. It is the product of the process of legislative compromise which, as the chairman of the Committee on Government Operations and the subcommittee which spawned this legislation has called the real art of politics.

I think our chairman deserves a good deal of credit for the accomplishment of this bill. If we are going to have a bill, it is as the result of his leadership and efforts working with the divergent viewpoints expressed in our subcommittee—and always expressed, I think, with a good deal of gentlemanly interest in what our combined objective is.

But there are differences of opinion here. There is the question of powers to intervene as a party in behalf of the special consumer interests with Federal financing of that intervention. The impact that this will have on other agencies of Government is very much at stake. It is a problem that goes to the heart of this bill which raises to the level of conflict with the public interest, the consumer interest because most of the other agencies involved are charged with the protection of the public interest.

What is this distinction between consumer interest and public interest? I

think it makes possible a continuing conflict between the Consumer Protection Agency and the host agencies which have responsibilities for the public interest. If the CPA in its effort to push the consumer interest before an agency charged with the general consideration of public interest loses its case, then I think under the statutory admonition of this legislation, it will be the responsibility of the CPA to appeal to the court.

In that case then, the court is put in a a position of making the decision between the public interest and the consumer interest. At that point I am not sure we will not see the case decided on the basis of technical law rather than on the basis of equity.

Certainly, I think the courts generally, whether they be Federal or local, are not as well equipped to balance and deal with all of the public interest considerations as are those administrative agencies which have experience in this field.

I would like to ask a rhetorical question. What, after all, is the consumer interest? I happen to be a convertible driver. There are only about 1 percent of us who drive convertible automobiles. I could be told that the consumers are not, therefore, under this agency test, interested in that problem. Presumably, the CPA will be using my tax money to express its interest in the safety angle of what kind of automobiles do serve the American consumer and out goes my convertible with my tax dollar supporting it even though that may not be my interest as a consumer and my preference.

I think there is a question that deserves to to be asked here. Will there be created a consumer interest versus the public interest and a consumer interest versus the specialized interests of some consumers.

I want consumers to get protection. I want the Government to help in that role and do so with my tax dollars. But I think under this bill the consumer interest may, in effect, be given too much strength, in conflict with the public interest, by authorizing this agency to intervene as a party. If the amendment proposed by the gentleman from New York (Mr. ROSENTHAL) and the gentleman from Pennsylvania (Mr. MOORHEAD) is adopted, apparently intervention will be permitted in every consideration of every aspect of Federal Government at every level. I think this is likely to lead to delay in the development of what is the consumer interest and what the public interest.

It is my opinion that decisions deferred are as often bad decisions as they are good decisions and a Government decision put off tends to draw the Government into a question of not only credibility but of effectiveness.

Let me take a specific example, and that is the example of the Federal Communications Commission and its licensing of radio and television stations every 3 years throughout the country. There are some 8,000 different considerations. Under this legislation the Consumer Protection Agency is given the authority to go into such cases and make a presentation from the standpoint of a consumer. If there is a conflict between the Federal Communications Commission decision about the public interest and what the Consumer Protection Agency suggests is the consumer interest, then the case will ultimately not be decided by the Consumer Protection Agency or the Federal Communications Commission, either one.

It will be carried, I suppose, to a Federal court where the decision will be made by people a great deal less expert in the general area of licensing stations than the Federal Communications Commission is.

The question has been raised as to whether or not those regulatory agencies which have been given this basic power by the Congress do not in effect regulate the industries they are supposed to be regulating. If there is a failure here, and if they fail to regulate in the public interest as they should, I would ask you whose failure that is. It occurs to me that it is the failure of the Congress as an oversight agency to upgrade the agencies that have the public interest responsibility. But we are trying to meet that failure by transferring to another Government agency, a new bureaucracy now to be established, this oversight role.

I would suggest that the amicus role which will be advanced by a member of the subcommittee (Mr. FUQUA) may make a good deal more sense, both from the standpoint of quick judgmental decisions by Government and also from the standpoint of protecting the consumer interest than would be this extended procedure of intervention as a partner.

The legislation basically requires that the consumer interest be undertaken in the consideration of the public interest by all agencies involved in determinations of regulation by the Federal Government. The amicus role by the Consumer Protection Agency will give the opportunity to the host agency to get the facts with regard to the consumer interest. The host agency will then be able to take that into consideration in its own consideration of the public interest.

The oversight role of the Congress will remain in the hands of the Congress where it belongs.

Finally, there will not be a failure of appeal, because any aggrieved party to a decision by the host agency, can, as developed in the colloquy between the gentleman from Illinois (Mr. ERLENBORN), and myself, benefit by the information developed by the Consumer Protection Agency in its amicus role as a part of its appeal to the courts.

I would suggest that we support the Fuqua amendment, although I am in basic agreement with the thrust of the legislation as drawn, in order to keep the administration of our Federal Government in this role of protecting all the interests of our people strong, active and swift enough to provide for effective Government.

Mr. Chairman, I yield back the remainder of my time.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, while I believe certain changes in H.R. 10835 to be essential; I do want to take this opportunity to commend the distinguished chairman of the House Committee on Government Operations and those other members of the committee who have already worked toward making substantial improvements in this legislation. In my judgment, H.R. 10835 is a much tighter, cleaner, and more effective bill than that reported out by this same committee last year.

I rise however, to express my profound hope that my colleagues in the House will join me in supporting amendments—such as that offered by the gentleman from Florida (Mr. FUQUA) which will go a long way toward assuring that the Consumer Protection Act of 1971 (H.R. 10835) will effectively and responsibly achieve its designated purpose.

Consumer protection has engendered a great deal of interest in the Nation over the past several years, resulting in a variety of legislative proposals for additional consumer representation in the Federal Government. Since the Members of the House are all consumers and since all of our constituents daily fill this role as well, concern for consumers here is doubtess a universal one. Unfortunately, however, such widespread determination to deal with a matter rapidly through legislation does not assure the enactment of wise or effective legislation.

Many Congressmen, for example, are already expressing misgivings about certain results of the National Environmental Policy Act of 1970 and similar sweeping legislation in the area of environmental protection. This situation is analogous to that facing us today in that it resulted from a similar pervasive zeal to deal legislatively with a widespread problem. At this point, therefore, we should be in a particularly good position to benefit from the lessons of the past.

As a member of the Government Operations Committee, I joined a number of my colleagues in filing additional views to the report on H.R. 10835. These additional views challenge various powers which are given to the proposed Consumer Protection Agency and which would have the unfortunate result of creating a "super agency" with power to disrupt the governmental process and to prevent existing agencies from the orderly fulfillment of their responsibilities.

This potential disruption derives primarily from the provisions in H.R. 10835 authorizing the CPA to intervene as a party in a wide spectrum of adjudicatory, as well as rulemaking, proceedings of Federal agencies and to appeal to Federal courts any agency rulings or orders which it believes will adversely affect consumers' interests.

In my judgment the result of above intervention powers, contained in section 204 of the bill, would be to cripple or at least dangerously slow Government actions at all levels—including the slowing of the resolution of consumer problems. As this section is presently written, therefore, we are faced with the intriguing prospect of the executive branch taking itself to court so that the judicial branch will decide technical matters that the

Congress has delegated and directed independent agencies or the executive branch to resolve.

This situation presents another analogy with what has been happening in the environmental protection field, where private—not Federal—advocates have been able to take congressionally forged tools and turn Federal agency decisionmaking into a long and highly uncertain process. In a recent case against the Atomic Energy Commission, for example, environmentalists were able to retard the entire program for constructing nuclear power reactors designed to meet our country's growing need for electricity. Under section 204, however, the expected difficulties in administration would be, by law, generated from within the Government itself.

The amendment offered by the gentleman from Florida (Mr. FUQUA) would effectively resolve this great problem, while assuring that the interests of consumers are represented before other Federal agencies. This amendment would substitute an amicus curiae, or friend-of-the-consumer approach for the adversary-intervention approach now contained in H.R. 10835.

The Fuqua amendment would require, by law, that all existing Federal agencies give due consideration to the interests of consumers and would empower the Consumer Protection Agency to appear, as a matter of right, as a "friend of the consumer" in any agency or court proceeding of his choosing to present the consumer viewpoint. The Agency would also be granted the right to review and comment upon material submitted in a proceeding prior to agency action.

As Mr. FUQUA and the other Members who joined in signing his additional views pointed out:

> The Goal would be to give the untried Agency a realistic chance to achieve immediate results and an opportunity to identify its strengths and weaknesses. It is only a first step, but a sure one.

It is my profound hope that it will be the step taken by the House today.

The additional views authorized by the Honorable JOHN ERLENBORN and which I have also joined in signing further point out problems with respect to powers conferred on the new Agency by H.R. 10835. The first is the provision for the CAP to intervene in or institute court proceedings, even if it had not intervened at the agency level, if the court finds that agency action might adversely affect consumers and the interests of consumers are not otherwise adequately represented in the action. This authority is totally open ended. As the additional views point out:

> Legal requirements concerning statutes of limitations, equitable estoppel, laches, and other doctrines of fairness are not made applicable to the CPA's authority—an oversight which must be corrected.

There is a similar need for additional language in the testing authority given to the CPA in H.R. 10835. The bill authorizes the CPA to call upon other existing Federal agencies, possessing appropriate testing authority, to conduct tests on consumer products. While the committee had intended such testing to be undertaken in support of the Agency's representational and product safety responsibilities, language spelling out this restriction was omitted. As a result the bill as presently written would empower the CPA to utilize its testing authority for any purpose.

These additional views also raise the question as to whether the product safety functions conferred upon the CPA by H.R. 10835 are in keeping with the Agency's primary responsibility of representing consumers before Federal agencies. The fear is also expresed that the CPA's involvement in product safety functions could seriously detract from its representational duties.

Again, I respectfully urge my colleagues to take action toward correcting these major deficiencies in the legislation currently before it.

Finally, I would like to reiterate a question with respect to this bill which remains in my mind and which I outlined in my own additional views to the committee report on H.R. 10835; that is, the question as to whether there is a real need for a specialized consumer agency at the Federal level of Government. As previously indicated, we are all consumers. Most of us are also taxpayers, wage earners, and citizens concerned about the quality of our physical environment. In addition to overlapping in many instances, each of these interests is a component of the public interest which the various Government departments and agencies have all been charged by the Congress to protect.

With this bill, however, we see the elevation of a single interest over all other interests and I am greatly concerned that this will create distortions which serve the people and the public interest poorly rather than well. In my judgment one could reasonably challenge whether consumers need another bureaucracy to save them from the failings of the existing Federal bureaucracy or whether a paternalistic Government needs a new group of bureaucrats to save the people from themselves. In this connection, it should be remembered that, in addition to the consumer responsibilities of the various existing departments and agencies, there has already been established a Consumer Protection Bureau in the Federal Trade Commission.

In this country, the entire Government exists to serve the people and the public interest. If we need a Consumer Protection Agency, perhaps we also need a Taxpayer Protection Agency. What the people need most, however, may be less, not more, bureaucracy and a thoroughgoing reform of the existing Government rather than further additions to its powers and its ranks.

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

Mr. BUCHANAN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate my distinguished colleague, and member of the committee, yielding to me. I was not quite satisfied with the thought and the response that we obtained awhile ago on the question of the involvement of the military servicemen; and, subsequent speakers have spoken on the definition of "consumer interest," which seems to be the heart and soul of many of the questions before us. In other words, we on the Committee on Armed Services and, indeed, all Members of the Congress and certainly this committee, realize that a serviceman should, as the distinguished chairman of the committee, the gentleman from California, said, have an interest in the quality of merchandise that he obtains from the post exchange or the commissary.

But, is it not also in his interest as he serves, oftentimes not at his own will, to stop the cost overruns of certain weapons systems, for example, so that more of the defense dollar could be allocated for his salary or for use for benefits as an employee of the Government?

It just seems to me that we should not simply avoid this question by saying that the military function is excluded in the activities of the bill, especially after the Secretary of Defense has said that they—personnel—should be excluded from the mandatory provisions of the bill, inasmuch as these servicemen pay taxes also and are interested in the consumption of goods produced in the United States. I think under the definition of consumer interest that an amendment should be accepted to possibly exclude the military from the consideration and, as I say, at the appropriate time and at any time I will make this letter available for consideration prior to entering the 5-minute rule.

Now, I would ask my friend, the gentleman from Alabama, who was generous enough to yield to me, if under section 306 this authorization is open ended—and, if it is, what is the estimated cost for the next 1 or 2 or 3 or 5 years?

Mr. BUCHANAN. It is open ended. As to the estimated cost, I will be glad to yield to the distinguished chairman or to someone else who might give the answer.

Mr. HALL. Mr. Chairman, if the gentleman will continue to yield, I also wonder how many Federal employees are going to be required?

Mr. HOLIFIELD. Mr. Chairman, I was distracted for a moment. I did not know the gentleman was directing his remarks to me.

Mr. HALL. I was directing them to just anyone, Mr. Chairman. I made some comments, and two queries.

Mr. HOLIFIELD. I heard the first part.

Mr. HALL. I made some comments about defense participation, but the authorization is, according to members of the committee, open ended under section 306. I wonder about the estimated cost.

Mr. HOLIFIELD. It is in the back part of the report. The rule of the House requires us to make an estimate. It is estimated that the combined Office of Consumer Affairs, the Consumer Protection Agency, and the Consumer Advisory Council will involve a grand total of $38 million over a period of 5 years. That is an estimate. The amount over the first year will be quite small. The Consumer

Protection Agency will take almost a year to become organized.

Mr. HALL. The rules of the House also require an estimate of the personnel.

Mr. HOLIFIELD. That is based on 200 persons for the first year, 250 for the second year, and 300 for the third year. I believe the gentleman will find that in the back part of the report.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. I would like to raise one question. We established the Environmental Protection Agency, and this is an Agency which also covers a very broad specialized interest. I wonder if anyone knows the number of employees and the cost of the operation of the Environmental Protection Agency. I was advised the other day that this year-old or year-and-a-half-old Agency now has 7,000 employees. Is that roughly correct?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman is addressing his question to me again, if I am in order, and if the gentleman will yield, I will be glad to answer.

Mr. BUCHANAN. I yield to the gentleman from California.

Mr. HOLIFIELD. The list I have from the budget figures shows that the EPA had, in 1970, 3,850 people with an average salary of $13,300, and that amounts to $10,700,000 for the year 1970.

Mr. BROWN of Ohio. We are 10 months into 1971. Are there any current figures?

I have been given to understand it is 7,000.

Mr. HOLIFIELD. I have a 1972 estimate that there will be 7,200 people in it.

Mr. BROWN of Ohio. What do we estimate for the Consumer Protection Agency?

Mr. HOLIFIELD. For the Consumer Protection Agency the estimate is $5.4 million for 1973, $6,325,000 for 1974, $7,250,000 for 1975, the same for 1976, and the same for 1977.

Mr. BROWN of Ohio. So apparently it is not anticipated, according to these estimates, that the Consumer Protection Agency will be as all encompassing an agency in our Government as the Environmental Protection Agency.

Mr. HOLIFIELD. I would not think so. It also is not given a lot of the powers the EPA was given. We have put in the RECORD a comparison of powers.

I am as much concerned as I believe the gentleman is with regard to the actions of the EPA. We have been very careful to see that we are not giving the Consumer Protection Agency power to obstruct and delay, as worked out in respect to the EPA.

Mr. BUCHANAN. Mr. Chairman, I would say, in further response, should we adopt the Fuqua amendment and remove this power to intervene as a party to the dispute we could give a good guarantee it would not grow by such leaps and bounds, budgetwise and otherwise, as has the EPA.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. BUCHANAN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding again, because obviously we have the scalpel close to the bone and bleeding is profuse.

The gentleman from Ohio, in his answer, anticipated my next question. The gentleman from California quoted the report to me. I assure him I have read every word of the report.

It says, on page 5, for example, that there are 33 Federal agencies or departments presently carrying on consumer programs. I should like to know what their total of expenditures is under the present arrangement in the consumer field and how many Federal employees are presently being utilized in the total consumer field under these 33 agencies, if that information is available.

Mr. HOLIFIELD. I do not believe I have all of the figures the gentleman wants, but I will say that these agencies like the EPA and the other large regulatory agencies run as high as 30 to 40 million dollars a year. For instance, the NLRB runs $43.7 million a year. The FTC is $24 million, and the FPC runs over $20 million.

Mr. HALL. Mr. Chairman, we know that. I appreciate the gentleman digging it out for us, and perhaps he can supply it for the RECORD.

How many of those did appear before the committee in the course of this year's hearings, to testify about whether they should continue their own functions or whether they should be yielded to the new CPA? Is the CPA being added on top of those, or will they be reduced accordingly?

Mr. HOLIFIELD. Each one of these agencies we have been talking about has a narrow field of statutory responsibilities and duties, such as the FPC and the FTC.

The Consumer Protection Agency is an across-the-board agency that is supposed to look at all these agencies and see what they are doing from the standpoint of consumer interests. We also provide in the bill they cannot duplicate anything these agencies do.

Mr. HALL. I understand. I believe the gentleman's original statement brought that out. Certainly the debate of the lawyers here on the floor has mixed us up as to whether it will be effective or not as they go across the scope of these other agencies.

What was the thrust of their comment about continuing their specific missions?

Mr. HOLIFIELD. Of course, all of the agencies had copies of the bills sent to them and were asked for comment, and the Bureau of the Budget did appear before us. The Bureau of the Budget did not make any particular representation for each of the other bureaus, but I assume they were speaking for the administration.

Mr. HALL. In the opinion of the gentleman, who would coordinate the activities of the new CPA in relation to the consumer protection activities of all the other Federal agencies?

Mr. HOLIFIELD. That is found in title I of the bill, and it is a job that is left up to the Office of Consumer Affairs within the Office of the President.

Mr. HALL. Would that same gentleman or office be the one to determine how much duplication is "all right" and what amount is "excessive" and who decides when the excessive amount is reached and when to turn it off, or to do something about it?

Mr. HOLIFIELD. I think they do have the power to make recommendations to the OMB. The OMB in the last analysis would have the power. The Office of Consumer Affairs is the statutory holder of the position as it is now, but it would still be responsive to the President and was given the job of assisting. On page 6 of the bill it says:

SEC. 103. It shall be the function of the Office to—

(1) assist the President in coordinating the programs and activities of all Federal agencies relating to the interests of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

Mr. HALL. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. BUCHANAN. I thank the gentleman for yielding me the additional time.

I will only say to the gentleman from Missouri, as the chairman of the committee is aware, and as I brought out in testimony before the subcommittee during its hearings, there were various reservations expressed by agencies in response to similar legislation last year, some of which I think have been met by committee action this year and by amendments to the legislation, but I think in all fairness one ought to say that those agencies which are in the position of having their decision challenged in a Federal court and having another branch of the Federal Government take them to court and challenge their decisions could not be reasonably happy about such power being vested in the Consumer Protection Agency.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. BUCHANAN. Certainly.

Mr. HOLIFIELD. I will say that I respectfully take a different view than the gentleman does on that matter. I believe we put safeguards around the actions of the advocate, whoever he may be, of this agency to prevent duplication and to prevent the type of thing that the gentleman thinks will happen.

Mr. BUCHANAN. I will certainly say to the distinguished chairman that in my judgment they clearly acted to improve this legislation and to strengthen it, but there are many of us who feel in this one respect it is too strong from the point of view of putting one agency in a position to challenge all the other agencies and putting the Government in the position of taking itself to court.

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

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. ROSENTHAL. Will the gentleman yield?

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

Mr. ROSENTHAL. I want the gentleman not to have a serious feeling or misgiving about the efficacy of this agency, because the estimated amount for this consumer agency of $5.4 million, would put them in the same category with agencies of much less stature. For example, the American Battle Monuments Commission gets $2.3 million, the American Revolution Bicentennial Commission gets $3.4 million, and the National Agricultural Library gets $3.9 million. So I think he does not have too much to worry about.

Mr. HORTON. Will the gentleman yield?

Mr. BUCHANAN. Certainly.

Mr. HORTON. If the gentleman from New York will give us his attention, are those authorizations or appropriations that he was reading?

Mr. ROSENTHAL. They are appropriations.

Mr. HORTON. What we are talking about here is an authorization.

Mr. ROSENTHAL. You are exactly right.

Mr. HORTON. It is an authorization and not an appropriation.

Mr. ROSENTHAL. The appropriation will almost certainly be less than the authorization.

Mr. BUCHANAN. If the view of the gentleman from New York should prevail, the agency will certainly require a greater budget.

Mr. ROSENTHAL. If it could get another $5 million, we might make it effective. Last year the Senate estimated $10 million for the first year, $15 for the second, and $25 million for the third year. Very frankly, if you are serious about this agency doing anything, I believe it cannot operate within the budget that the committee report estimated. It seems to me that there is a lack of intent by the committee to make it operate properly by estimating this inadequate budget.

Mr. BUCHANAN. I will say to the gentleman that if the present powers to intervene are left in the bill, it cannot operate on the budget proposed. But, certainly, it is entirely possible that it would require a great deal larger budget.

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

Mr. HOLIFIELD. Mr. Chairman, I yield at this time 7 minutes to a member of our committee, the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Thank you very much, Mr. Chairman, for you graciously allowing me to speak on this matter. The chairman of the House Government Operations Committee, CHET HOLIFIELD, has done an outstanding job. He has worked out a bill which like most of us is not perfect, but it is a step in the right direction.

In this growing, complex society the American consumer needs the additional protection that would be afforded him under the provisions of the proposed Consumer Protection Agency Act of 1971.

Mr. Chairman, the individual consumer has lost the leverage he once had in the purchase of goods and services that he needs. Furthermore, congressional investigations reveal that the consumer does not receive the protection he requires, and that a coordinated approach to the problems of the consumer is essential. He needs protection in order to keep him from getting a bad deal.

Mr. Chairman, the problem has several serious and tragic consequences. The American consumer in buying the food, clothing, and medicine he needs is entitled in this day and time to obtain the full benefits for the money he spends.

In clearly delineated areas where the health, safety, and welfare of consumers are affected the Government can put to rest an ancient and obsolete concept of caveat emptor, the buyer beware.

The legislation is not an indictment of American business any more than the enactment of our criminal statutes constitute an indictment of the public generally. Many segments of American business and industry maintain as a matter of policy the highest possible standards of quality and perfection in dealing with the public. Despite the fact that faulty goods and services are not intended deficiencies they still are very serious.

The underlying theme of this legislation is not to find fault and to indictment, but to identify consumer problems and resolve them in the interest of the consumer and in fairness to the businesses involved.

Mr. Chairman, the bill does not create a super agency, and if properly administered should not usurp the responsibilities which have been delegated to other agencies to protect consumer interests.

Mr. Chairman, I recommend approval of this legislation. It is a constructive step forward on behalf of the consumer in the form in which it was reported, but several of the bill's provisions suggest that through a reasonable modification of section 204 we can significantly improve the operation of the Consumer Protection Agency, which is the principal office created under the provisions of the bill.

The bill in section 204 fails to grant the Consumer Protection Agency authority to represent consumers in many adjudicatory proceedings that could involve meat inspection violations, unsafe drugs, dangerous and flammable cloth, and a host of others. These limitations should be removed from the act to allow the Consumer Protection Agency to intervene in these cases.

The bill also fails to deal effectively with consumer problems resulting from the refusal of an agency with primary responsibility to institute proceedings in which the Consumer Protection Agency can participate and represent the consumer, or when the agency's operations are conducted on an informal basis. A change in this aspect of the bill would allow the Consumer Protection Agency to make authoritative investigations in these instances and report those findings to the Congress of the United States which reports every 2 years to the people.

Mr. Chairman, I am going to support and would urge other Members to support the amendment to be offered by the gentleman from Pennsylvania (Mr. MOORHEAD). His amendment will do much to enhance the effectiveness of this legislation. It will not make it a super agency. It will simply clarify the bill and make possible meaningful consumer representation.

With that thought and that encouragement I would say that I would then support the bill wholeheartedly, and commend all of those who worked upon it.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, let me add my commendations to those already expressed to the chairman of the full Committee on Government Operations for getting his bill to the floor. That is no mean accomplishment, and it is a great tribute to his political judgment.

I want to address myself to the language around a very important question—the extent of coverage under this bill.

I call your attention to the statement made by the chairman during the colloquy with the two distinguished gentlemen from Texas on the question of the rights of the consumer in "informal proceedings."

The statement was made, and correctly so, that there is no specific exclusion with respect to the right of consumers and the representation of their interests under this bill in informal proceedings. But let me point out the limitation and how that works. Turn to page 10 of the report, and you will see that it talks about "investigatory and informal proceedings."

> Many agency investigatory proceedings, whether formal or informal, do not lead to a final disposition of a matter, but rather to a decision as to whether to proceed in a more formal adjudication proceeding . . .

Then it gives an example. Then going on further in the paragraph, and I skip:

> Of course, if an investigatory proceeding or an "informal" proceeding is of the type that does lead to the issuance of an "order", it is encompassed within the definition of "adjudication" and the Consumer Protection Agency would be authorized to intervene as a party.

I emphasize—only then would there be intervention as a party.

Now I call your attention to the next paragraph, because that is the key to the discussion as I see it:

> Nevertheless, the Agency will have broad authority to participate in Agency investigations.

I emphasize—the word "participate" which is not intervention authorized in section 204.

Then the report continues:

> Under its general authority to secure any information it requires from Federal agencies (sec. 202(c)(2)) and its specific authority to require Federal agencies to notify it of actions (sec. 302(1)), . . .

You have to refer to those two sections and compare them with section 204 before you will see exactly how limited that authority is, and why it is that way. Under sections 202(c)(2) and 302(1),

the Agency can request the information; it can make its voice known, it can receive public notice of the action of agencies, and it therefore in that manner can "participate" in these "informal investigatory proceedings," but it cannot act as a party to the proceeding as authorized under section 204. These informal and investigatory actions are the bulk of the actions involving consumer interests.

But when you go to the main authority of this bill, section 204(a), you will notice the very careful language—"the right of intervention"—the right under this bill is limited to "pending Federal agency proceedings as defined in chapter 5, title V of the Administrative Procedures Act."

That section 204 contains absolutely no authority for the Consumer Protection Agency to participate as a party—or intervene as a right in "informal proceeding" or "investigatory proceedings" and these are 90 percent of the action of the Federal Government affecting consumers.

These actions are not rulemaking, adjudication, or licensing, which are the actions covered in the definition of chapter 5, title V, of "agency proceeding" as used on line 10, section 204(a), on page 14 of the pending bill.

The provisions of chapter 5, title V, define "agency proceedings." Specifically section 551 (12) defines "agency proceedings" as rulemaking under subparagraph 5—adjudication under subparagraph 7 and licensing under subparagraph 9.

The committee struggled manfully, I must say, with the question as to whether the language on line 10, page 14, ought to be changed to "pending Federal agency action" instead of "pending Federal agency proceeding."

Section 551 (13) chapter 5, title 5, United States Code is very broad, cover all agency actions and is not limited as is the definition of "agency proceeding" under section 551 (12). So the bill makes it quite clear that there is a very great difference in the authority of the agency in different agency "proceedings" or "actions."

(Mr. MITCHELL (at the request of Mr. HOLIFIELD) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MITCHELL. Mr. Chairman, H.R. 10835 signifies over a decade of debate and frustration in trying to protect the rights of the consumer. Various formulas have been proposed to enact over 200 consumer programs. These have been administered in a very haphazard and uncoordinated fashion by 39 different Federal agencies. The consumer at present does not know where to turn for help, and the various Federal agencies are of little assistance, since they are often confused as to what their functions are. The truth-in-lending law, for example, is administered by nine different agencies.

It is time to give the consumer a fighting chance against the dangerous or defective goods put out by some industries. Presently his most viable alternative is to live with the defects in the product, rather than try to get some action from a Federal agency.

If we are going to give the consumer a voice, an agency where he knows he can get help, then we should not start with a patchwork system. We should not start with another bureaucracy with no power; we should begin with a Consumer Protection Agency that has power to be forceful in protecting the rights of the consumer. I am supporting the amendment offered by the gentleman from Texas (Mr. BROOKS) and the gentleman from California (Mr. Moss) and several other of my colleagues who share my conviction that the time has come to assure consumers' rights. This amendment provides the most meaningful and effective beginning. If we do not give the CPA the authority to represent the consumer in proceedings of other Federal departments or to investigate failures by other agencies to protect consumer interests, we will be making a halfhearted attempt, an almost worthless effort, to finally create a true feeling of governmental consumer protection. I urge each of you to take the time to give our constituents a representative body for their consumer complaints, by supporting the Brooks, Moss, Moorhead amendment.

(Mr. ALEXANDER (at the request of Mr. HOLIFIELD) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ALEXANDER. Mr. Chairman, the bill we are considering today—H.R. 10835, the Consumer Protection Act—is of prime importance to every person in this Nation. Our society is a complex one—so complex that it is impossible for the individual shopper to make himself sufficiently knowledgeable on every item he consumes. The job existing regulatory agencies have been doing in this area, and the need for a national advocate within the Federal Government, for consumer interests, has been under study by successive Congresses for a decade.

Congress after Congress has studied the effectiveness of present consumer protection programs and held hearings on proposals for action similar to that which we consider today. Those programs which currently exist are clearly inadequate. It has become equally clear that a Federal agency charged solely with the responsibility of carefully promoting and protecting the interests of the consumers must be established.

In view of this, I would urge my colleagues to vote to establish a strong representative within the Federal Government to act as the guardian for consumer interests.

Thank you, Mr. Chairman.

Mr. ROSTENKOWSKI. Mr. Chairman, the American consumer has waited a long time for his day in the sun. Through the years, he has suffered immeasurable abuse from the twin evils of "big business" and "impersonal government." It is a shame that the very agency that has been designed to at last give him an opportunity to speak, and to speak with force, about the problems of fraud, deception, and deceit that he encounters daily, has itself been victimizing by the very structures it was designed to oversee.

At a time in our Nation's history when our gross national product has reached a staggering annual rate of more than $1 trillion, and when personal income alone has soared to an annual rate of more than $841 billion, the economic impact of the American consumer is noticed by all. Not only can it be noticed through the dollars he spends, but in recent years the voice of the American consumer has come to be heard, and it is an angry voice, a complaining voice.

The voice of the consumer does not ask for many things, it merely asks for honesty and truthfulness for the American people.

And Mr. Chairman, if the American consumer could be heard here today as we debate this bill, I am sure that he would not tolerate a watered-down token piece of legislation to be passed in his name.

It is for this reason that I am supporting the intent of the legislation as originally introduced by Congressman ROSENTHAL embodied in the amendment to be offered by my good friend Congressman MOORHEAD of Pennsylvania. The original bill, of which I am a cosponsor, was designed so that the Consumer Protective Agency would be an effective advocate for consumers by providing representation for them in all Federal activities involving an important consumer issue. This is not the case with the bill that was eventually reported out of the committee.

As I said, earlier Mr. Chairman, this is one area where the American people must have something more substantive than a mere token agency. We must have an agency that can do more than object and complain, for each and every one of us can do that already. We must have an agency that can back up these objections and these complaints with meaningful corrective action. And I feel, as I am sure do many of my colleagues, that we can only do that if we support the Moorhead amendment to restore the original "pro-consumer" provisions to the CPA.

Mr. DEVINE. Mr. Chairman, I support the Fuqua amendment, and trust it will be approved by this body.

The whole concept upon which the present advocacy provisions of the bill are based is an untried theory of several consumer lobbyists who are convinced that the only way to get action for their special interests is to pit one Federal agency against another. In short, their philosophy is Government by combat.

I will accept the contention of these activists that the Federal Government can help the consumer. That is a problem we are trying to solve.

But government by combat is, at least for me, a theory I find difficult to accept. I could change my mind, but before I do, I want the consumer advocate that we are about to create to recommend that we take this route—after he has failed to achieve proper protection of consumers through more efficient and orderly means. We cannot accept such philosophy from a consumer lobbyist whose

only thoughts are the protection of his special interests. We have greater responsibilities to consider and balance with the recognized and very important interests of consumers.

We have in the recent past, placed in the hands of important special interests, powers of adversary advocacy similar to those in the bill. But these powers were primarily granted to private advocates, and even then were not nearly as vast as proposed in section 204 of this bill. I am talking of course about the tools of adversary advocacy handed to private environmental protectors in the National Environmental Policy Act of 1970 and similar protective legislation.

Giving private activists the power to challenge effectively final actions of the Government that affect their special interests is one thing. But giving one agency of the Government the power to challenge all other agencies on such a broad area of responsibilities as the "interests of consumers" is something else. It is tantamount to saying there will be no final action of the Government until the courts decide what the agencies should do.

Thus, we would come full circle. The agencies we have created to handle technical matters in depth, and without all the necessary restrictions of the judicial branch, will depend on the courts for resolving these technical matters.

We have a problem with the interests of consumers being properly reflected in the actions of federal agencies which are burdened with many responsibilities to balance. But the answer to this problem is in the Fuqua amendment, not to the philosophy of government by combat. The answer is to improve the workings of the administrative forums, not further complicate these workings, then leave the courts to second guess the agencies on technical issues.

If you, as busy parents, were having a problem with your children picking your neighbor's flowers, would you accept your neighbor's advice that you buy a watchdog to attack your own children when they picked the flowers? Or would you begin to think that perhaps it is time to pay more attention to your children, time to offer them more guidance, and time for more positive discipline?

I simply cannot accept the philosophy that government by combat will work to the advantage of the consumer.

As Congressmen, you know the difficult workings of at least some of the administrative agencies. Each of us has, I am sure, become more aware of the strengths and shortcomings of one or two agencies in particular with which we have become involved due to individual oversight responsibilities.

As a 13-year member of the Commerce Committee, I happen to know a little about the Department of Transportation and the Interstate Commerce Commission. And in this regard, I am reminded of a prophetic comment made by a distinguished liberal member of the majority from New York City when we were voting on the National Environmental Policy Act. He voted for the bill, of course, but he said he had reservations, and—with what appeared to be hesitation—he said, and I quote directly from the Congressional RECORD:*

> What we are talking about now is control of the environment by Government Agencies. We cannot build a road in my district. We cannot build a road because of environmental factors that completely override need, technology, *and the public good.*
>
> The constant threat of power blackouts in New York City alone would be abated today if single-minded preservationists had not effectively thwarted efforts to build a hydroelectric power plant outside of the city.
>
> * * * * *
>
> I cannot support any measure that literally insures dominance by conservative elements that so override the desires and needs of the public that we lose sight of these everyday needs.

I have no doubt that these brave words, spoken with hesitation in the face of an apparently overwhelming political demand, will soon be pointed to with pride when the mistakes we have made in attempting to protect the environment become public.

I say to you now, and without the slightest hesitation, that we shall be making far more serious mistakes if we allow this bill to go through without the Fuqua amendment—mistakes that will set the consumer movement and good governmental administration back years.

We have seen the philosophy of government by combat used in an attempt to prevent this very bill from reaching the floor this year. Did it work? No, it did not work, because the majority of a responsible-acting committee prevailed. Did it cause damage to the committee's efficient functioning? You better believe it.

On this very same bill last year we saw the philosophy of government by combat attempted. Did it work? No, it did not work, because the Rules Committee decided to bear the brunt of vicious and misguided attacks, rather than let a bill such as last year's version go to the floor—a bill that, by the admission of its own sponsors today, would have worked a disaster on consumers and government.

How many agencies will be able to muster the strength of a CHET HOLIFIELD to withstand the adversary attacks of another Federal agency, newly blessed by Congress to protect interests that everyone holds important? Attacks that will preclude the proper balancing of Federal agency responsibilities, favoring instead a special interest. Powers that will of practical necessity result in behind-the-scenes deals between consumer advocate and Federal agency to the exclusion perhaps of the public good.

What other special interests will we soon be forced to recognize by creating a Federal agency to attack other agencies? Is not environmental protection at least as important as consumer protection? Of course it is, and if you by your vote today accept the philosophy of government by combat, be prepared to vote on the creation of a Federal environmental advocate with similar powers to battle with other agencies. Expect him to oppose the consumer advocate who will no doubt be forced to pressure for increased services at the expense of other special interests such as the environment.

I would rather stand here today and vote for granting the Consumer Protection Agency an orderly progression of powers under the Fuqua amendment, than worry about whether my district offices will be picketed. The time may come to put a negative philosophy into operation, but that time certainly is not now—not when we have a positive alternative option to choose. Let us at least wait until we hear from the consumer advocate, himself, as to what he needs.

Mr. DRINAN. Mr. Chairman, I rise to support the amendment endorsed by a very substantial number of members of the Government Operations Committee along with many others, to give the Consumer Protection Agency meaningful authority to participate in agency proceedings, and that agency a genuine advocate for consumers.

As one of the cosponsors of legislation to create an independent consumer protection agency, I was deeply distressed to learn that the watered-down bill reported out of committee provides very little in the way of actual consumer representation. The committee version is heavy on form and light on substance. I am not sure that I shall support such an eviscerated version unless it is substantially strengthened.

Mr. Chairman, the Congress in recent years too often has legislated on critical problems such as this one in a shallow and unsatisfactory way. We are told again and again that politics is the art of the possible. And yet that is one of the most tragically self-fulfilling prophecies in public life. Almost anything is possible which we, the representatives of the people, deem to be possible.

It was possible to enact a truly useful Freedom of Information Act, to open so-called public decisionmaking to our citizens. Instead, the people got a statute so riddled with qualifying phrases, exceptions, and disclaimers that it is hardly of any utility.

It was possible to enact gun control laws which would have precluded the now horrible situation whereby at least 90 million handguns float in channels of illicit commerce throughout the country. Instead, the people got a couple of largely symbolic gestures in the name of gun control legislation.

It was possible to legislate a national policy that a family of four, none of whom are employable, could be fed and sheltered with minimum decency. Instead, we stated that a family of four would simply have to survive on $2,400 per year.

And, Mr. Chairman, it is possible—indeed, essential—that when the Congress finally enacts the long-needed Consumer Advocacy Agency, that Agency will be permitted to be a real advocate, not a weak and ridiculous charade.

The committee version specifically excludes the Consumer Agency from intervening in any Federal proceeding if it is one "seeking primarily to impose a fine, penalty, or forfeiture."

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*Congressman John Murphy, Congressional Record, vol. 115, pt. 20, pps. 26587–26588.

As a lawyer I shudder to think of the dilatory and socially needless litigation which the word "primarily" will generate. When we reflect on the interminable litigation which has followed other such opaque phrases—"all deliberate speed" for example—the potential for cluttering the judicial apparatus with the all-too-obscure word "primarily" seems virtually limitless.

Moreover, the committee version excludes the consumer agency from participating in administrative proceedings where there is no pending rulemaking or adjudicatory activity.

The committee's prohibition against participation by the consumer advocate in informal agency deliberations in effect bars any involvement whatever in the consumer-related activities of those agencies—which include, for example, the Agriculture Department, the Federal Trade Commission, the Civil Aeronautics Board—where informal proceedings are characteristic. As my colleagues Congressmen REID and MCCLOSKEY pointed out in their additional views in this bill, truth in lending, truth in packaging, and flammable fabric toy hazard regulations are but a few of the subjects regulated pursuant to informal proceedings. I would ask my colleagues, what good is a consumer advocate which is forbidden to participate in deliberations on such subjects as these about which every consumer in America deeply cares?

My distinguished colleague from New York, Congressman ROSENTHAL, has noted the unseemingly irony that the total estimated budget for the Consumer Protection Agency, $5.4 million, is very slightly more than the budget of the American Battle Monuments Commission. I dare say that the money spent annually by large corporations to retain lobbyists and attorneys to work against the interests of consumers vastly exceeds $5.4 million. Indeed, judging by the sheer weight of slick anti-consumer mail I receive daily urging me that protective devices should not be installed in automobiles, or that the Alaskan pipeline would be harmless, I would estimate that anticonsumer printing costs alone exceed $5.4 million per year.

I also wish to note, Mr. Chairman, that under the version reported out of committee, the new agency would have no real investigative authority. It could request—but not require—other agencies to conduct tests and research. This is, of course, practically meaningless authority. As long as we have the Bill of Rights any citizen can request any government official to do anything. The committee version also precludes the consumer agency from requiring any commercial enterprise to furnish it data, except in the rare instance in which both are engaged in a formal adjudicatory proceeding. Even in such a case, as I have noted, the adjudicatory proceeding could not be primarily one seeking a penalty or fine. To prohibit a Government-funded consumer agency from seeking any data from the manufacturers of consumer goods and the suppliers of consumer services would be like prohibiting the Department of Labor from collecting unemployment statistics.

Mr. Chairman, I do not seek a consumer regulatory agency. If the existing regulatory agencies are doing an inadequate job of guarding the public interest—and the fact that they are is evidenced by the sponsorship by more than 160 Congressmen of legislation to create a consumer agency—then I say that we should consider invigorating them by appropriate legislation. There are plenty of potential Government regulators. The need for more advocates is substantially greater than the need for more courts, in my judgment.

I am by no means insensitive to the expressed fears of legitimate businessmen that an aggressive consumer agency will harass and meddle. I certainly do not believe such fears are justified. To the contrary, I think it can be fully demonstrated that every time the Congress has enacted important consumer legislation, the principal beneficiaries have been the affected businesses. No legitimate businessman wants to market unsafe products. Every good businessman knows that safety, product reliability, and quality control are intangible assets of enormous value. That value accrues directly to corporations and their stockholders.

Finally, Mr. Chairman, I wish to note that the strengthening provisions which I favor are endorsed by, among others, the UAW, Common Cause, Ralph Nader, the United Steelworkers of America, the Consumer Federation of America and, I believe, the overwhelming majority of American consumers.

The consumer agency which I seek and which this amendment would insure, is one which can intervene in all agency adjudicatory proceedings—except the final sanctions process—which can initiate important investigations when other agencies fail to do so, and which can require other agencies to supply it with data. To provide less is to provide a nearly empty shell.

Mr. COTTER. Mr. Chairman, one of my first legislative acts in Congress was joining a bipartisan effort to create an effective Consumer Protection Agency.

The bill before the House today, H.R. 10835, represents a tentative first step in the direction of more adequate consumer protection. It should be strengthened, however.

The bill provides more coordination of existing programs through a legislatively authorized Office of Consumer Affairs in the Office of the President. This is a necessary step since authority for administering over 200 consumer programs rests currently with 39 agencies. This fragmentation has resulted in needless duplication and, at times, avoidance of serious consumer problems. The Office of Consumer Affairs is designed to coordinate all these programs. I support this provision.

The committee bill also establishes a 15 member Consumer Advisory Panel to inform the Office of Consumer Affairs and the new Consumer Protection Agency of new concerns of the U.S. consumer.

The crux of this new bill is the establishment of the Consumer Protection Agency. This independent agency is designed to represent the consumer before various Federal agencies and the courts. The Consumer Protection Agency would also publish and distribute consumer information, request other agencies to conduct tests and receive and publicize consumer complaints.

At the beginning of my remarks, Mr. Chairman, I mentioned that this bill represents a tentative first step. Unfortunately, the bill requires additional strength. The major problem with the committee bill is that it limits the ability of the Consumer Protection Agency—CPA—to represent the consumer. I have followed the debate carefully and I can only conclude that the committee bill excludes the CPA from entering procedures that "primarily" involve "a fine, penalty, or forfeiture." In effect, this language found in section 204(a) of the committee bill would serve to exclude CPA from various agency actions that: First, involve cease and desist orders; second, involve imposition of civil penalties; and third, would prohibit CPA from recommending criminal prosecution in cases of flagrant violation of laws or regulations.

There is another problem that is avoided in the committee bill. If a Federal agency is hesitant, without reason, to investigate a problem under the committee bill, there is no redress for the consumer. To strengthen the power of CPA there must be a procedure for CPA to protect the consumer in the face of bureaucratic obstacles. At a minimum, the CPA should be given the power to investigate the problem area.

These two areas—right to appear before relevant agencies or the courts, and ability to conduct studies if the relevant Federal agency refuses—are necessary if the CPA is to adequately protect the consumer.

Fortunately, such an amendment, offered by my friend, BILL MOORHEAD, will give the CPA these powers. I support this amendment and urge my colleagues to support it.

We are all consumers, Mr. Chairman. No one deserves to have inadequate consumer protection. By strengthening the committee bill we are assuring that there will be adequate consumer protection.

Mr. BADILLO. Mr. Chairman, in the past several years, a number of important measures aimed at protecting the consumer have been enacted by Congress and signed into law. Among these are the Truth-in-Lending Act, the Fair Packaging and Labeling Act, and the Flammable Fabrics Act. While all of these have been significant efforts, they represent fragmented approaches to one of the truly critical problems of our society. There has been a singular lack of coordination among existing consumer protection programs and the consumer still lacks an effective advocate in regulatory agency proceedings.

Thanks largely to the efforts to my good friend and colleague from New York (Mr. ROSENTHAL), the Government Operations Committee last year reported out a strong and responsible measure creating both an independent Consumer Protection Agency and a permanent

White House Office of Consumer Affairs. Unfortunately, the House was not able to act on this bill for failure of a single vote in the Rules Committee.

Today, we have an opportunity to make amends. Before us is the Consumer Protection Act of 1971, which creates a Consumer Protection Agency, authorizes the Office of Consumer Affairs in the White House, and establishes a Consumer Advisory Council. The heart of the bill is the Consumer Protection Agency, but as it is written, it is little more than a figurehead—the illusion of meaningful protection for the consumer without real substance. If we really mean to protect the consumer; if we mean to give the consumer the kind of representation in regulatory proceedings that industry is able to afford, then we will adopt the amendment to be offered by the gentleman from Pennsylvania (Mr. MOORHEAD) and cosponsored by 15 Democrats and two Republicans on the Government Operations Committee.

As the sponsors of the amendment so correctly point out, the differences between the committee bill and the amendment boil down to the question whether we want the Consumer Protection Agency to represent consumers wherever and whenever that is necessary or whether we will permit the CPA to be so restricted that most regulatory agency activities affecting consumers will not be covered.

In my judgment, it is not only proper but necessary, that the CPA should have the right to investigate when a Federal agency fails or refuses to take action in the interest of the consumer on problems falling within its jurisdiction, and to make known its findings and recommendations to the Congress.

This authority is necessary not only to protect the rights and interests of America's 200 million consumers, but to protect the interests of the legitimate businessmen and businesswomen of our Nation as well.

I urge the adoption of the Moorhead amendment and the rejection of all other amendments aimed at further weakening an already inadequate bill.

Mr. GALLAGHER. Mr. Chairman, I rise during the debate on the Consumer Protection Act to refer briefly to the courageous and intelligent leadership given to this issue by my distinguished colleague from New York, Congressman BENJAMIN ROSENTHAL. I think it would be fair to say that without Mr. ROSENTHAL's efforts, which have spanned the past several years, we would not be debating this act today and the consumers of America would be even less well represented before Federal agencies than they are today.

BEN ROSENTHAL has devoted many long and tiring hours to his vision of an effective consumer agency, one which would truly be responsive to the needs and legitimate demands of every American. During the time which he headed the late, lamented special consumer inquiry within the Committee on Government Operations he worked diligently to expose the range of abuses which have crept into the American marketplace and I have been especially impressed by his ability to discern those practices and procedures that undermine respect for the vast majority of honest and conscientious businessmen. His work has always been on the side of a truly free economy, one that puts the emphasis on making capitalism effective.

Mr. Chairman, it would be a sad reward for BEN ROSENTHAL if the House passed the consumer protection legislation in the form produced by the Committee on Government Operations. I trust this House will adopt the amendment offered by Congressman MOORHEAD to restore the Consumer Protection Agency to its rightful place.

For if this House does not put teeth back into the legislation, we will be guilty of fraudulent labeling and packaging and we will, in my judgment, be adding yet another dreary example to the hundreds which have so compromised American's respect for their Government. Note, Mr. Chairman, that there is no regulatory function for the proposed Agency; there is no ability to levy fines or penalties. All the consumer forces in the House of Representatives want is the right of the Agency to be an advocate in the full range of consumer matters and to have the opportunity to report to the House any matters which appear to be shortchanging the consumer, no matter at what stage in the Federal decision-making process they may be.

What could be more fair? Frankly, it appears to me that if we deny the House of Representatives this opportunity to input information, we are crippling ourselves in our efforts to represent our constituents. Mr. Chairman, I again commend BEN ROSENTHAL and I hope we put some teeth back into the bill.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that this Consumer Protection Act (H.R. 10835) will, with strengthening amendments, be overwhelmingly adopted by the House.

In considering this consumer protection proposal, let us first realize and emphasize that there is no agency now representing the consumer point of view in any of the multitudinous decisions, affecting consumers, that other Federal agencies make.

Mr. Chairman, it is ironic, when there has been so much talk and action on equal rights and equal justice these days, to find that the largest single group in our American society, the consumers, have never had and do not now have equal representation within our Federal Government.

As the late Senator Robert F. Kennedy pointed out a few years ago, business has the Department of Commerce representing them, the farmers have the Department of Agriculture, workers have the Department of Labor, and most other groups have effective lobbyists to speak for them, but the consumer has no one but his individual self.

I think it is up to us, the Congress of the United States, to legislatively speak, with a firm voice, for the consumer and the time for us to speak is today.

The strengthened legislation that we are recommending for approval today is not intended to and would be prevented from unduly harassing the business community, so that any fears projected on that score are ungrounded. Also let us remind ourselves that a legitimate business that operates honestly, that manufactures and markets safe and reliable goods, will have nothing to fear from a consumer agency; on the contrary, they would obviously stand to benefit by this legislation.

Mr. Chairman, the record and the evidence presented here throughout this debate reveals only too clearly that for too long, in too many instances, far too much that is unfair and unsafe has been inflicted on the consumer in his dealings with the seller. It is high time that the Congress took steps to reasonably correct this situation. Therefore, in simple fairness and in simple equity, let us put the consumer on a more equal footing with the seller by approving the establishment of a strong and independent Consumer Protection Agency that will serve to prevent the imposition of fraudulent and deceitful practices upon the average buyer, that will help legitimate business against the unprincipled and unscrupulous vendors, and that will restore the general public's confidence in our National Government operations at a time when such restoration is urgently needed.

Mr. REUSS. Mr. Chairman, as we all know, Congress in recent years has enacted landmark substantive legislation on truth in packaging, truth in labeling, truth in lending, and other subjects. But many problems still remain. Every Member is conscious of consumer dissatisfaction among his constituents. The American people are no longer willing to be gypped or conned by fringe operators into buying products that just do not do what the ad or the label has said.

Listen to a few random headlines from the papers during recent months:

"The Consumer Shows His Ire," Washington Post, October 6, 1970.

"Can a Watcher Believe the Ads Seen on Television?" Washington Post, February 27, 1971.

"Poor Debtors Suffer Abuse," Evening Star, March 25, 1971.

"Package Sizes Proliferate Despite Law," The Star, May 9, 1971.

"Ghetto Prices Higher—Survey Shows Differences in Two City Stores," Washington Post, May 9, 1971.

"Mouse Doing a Lion's Job, Nader Report Says of FTC," The Star, June 6, 1971.

"Consumer Proposals Bring About Changes in American Business," Wall Street Journal, June 21, 1971.

"Consumer Ire Grows as Some Firms Ignore Complaints and Queries," Wall Street Journal, July 1, 1971.

"Short-Weighting Often Leaves the Consumer Paying More for Less," Wall Street Journal, July 2, 1971.

"With Business Bad, Many Companies Move To Keep Customers by Improving Service," Wall Street Journal, July 7, 1971.

"Harlem Prices Go Up When Checks Come," New York Daily News, August 6, 1971.

"Consumer Is at Mercy of Courts: Study," New York Daily News, August 1971.

Our hearings showed that much of the

legislation now on the books was not being enforced to the degree that it should. Many of the agencies set up to carry out this legislation were not displaying the spirit and vigor that Congress expected. Therefore, we saw our committee's task as being that of devising a way to overcome administrative lethargy and stimulating administrative action. We concluded that this could be done by: First, providing more adequate representation of consumer interests before other departments and agencies; second, assuring better coordination of governmental programs of interest to consumers; and third, requiring all agencies to give due consideration to consumers in taking any actions within their responsibilities.

The representation will be provided by a new Consumer Protection Agency and the coordination by the existing Office of Consumer Affairs set up by Presidential executive order and to which we give statutory authority. An input from the consuming public into the activities and policy formulations of these two vehicles will be provided by a Consumer Advisory Council, to be composed mainly of private citizens.

Now, a word about our rationale in creating the new independent agency and making permanent the Office of Consumer Affairs. The primary function of coordination, so greatly needed in the Federal bureaucracy, is peculiarly a function that must be exercised with the influence of and under the direction of the President. No independent agency could successfully coordinate the activities of other departments and agencies of the Government.

So, an office under the President is the logical place for such a needed function to be performed. On the other hand, the function of advocacy or representation can best be exercised by an independent agency not tied to the White House and not subject to pressure for shifting priorities that are inevitable in that environment. The Consumer Protection Agency will have a singlemindedness—as far as such is possible in Government—in seeking the protection of the consumer.

Furthermore, a White House office that sought to intervene as an advocate before other agencies would raise the question of White House interference in the decisionmaking process of those agencies that Congress has often sought to avoid. It had also been proposed that the Federal Trade Commission or the Justice Department take on the advocacy role. But this may produce a conflict of interest with other functions they carry out. Both these agencies have been severely criticized for their deficiencies in supporting the consumer interest in the past.

Even though two agencies are being established legislatively by this bill, our committee has made a careful effort to reduce any duplication between them to the irreducible minimum. We also have put in the bill a provision avoiding any remaining duplication that may exist—page 7, line 6, for the Office, and page 13, line 23, for the Agency.

In addition to assisting the President in coordinating the consumer-related programs of all Federal agencies to achieve effectiveness and avoid duplications and inconsistencies, the Office of Consumer Affairs will generally advise the President and other agencies on consumer matters, encourage research, publish information of value to consumers, and promote consumer education programs. These functions are already being carried out to a certain extent under the executive order.

In addition to its primary functions of representation, the Consumer Protection Agency will make needed investigations and encourage research, publish information and make recommendations to the Congress and the President on measures to protect and promote the interests of consumers.

In order that both the Agency and the Office can carry out their missions in the most effective manner, other Federal departments and agencies are authorized and directed to assist them by making available services, facilities, and personnel to the greatest extent practicable within their capability. Such assistance would be conditioned on existing law and the terms of governing appropriations. These agencies are also required to furnish information to the Office and Agency except when prohibited by law.

Now I want to comment on some of the key issues and crucial portions of the legislation.

H.R. 10835 has been revised extensively over the bill reported by this committee last year, which did not reach the floor. This was necessary in order to clarify obscure provisions, to take account of serious objections then made and new information received through our hearings. We have all worked hard and conscientiously, and our efforts have been broadly supported in committee.

We have tied down by definition key terms in the bill, including "consumer" and "interests of consumers," to make these terms more meaningful and the Agency's work more manageable. By consumer, we mean the ultimate purchaser for personal, family, or household use. This is the class of persons who need governmental help and are the ones this legislation is intended to serve. The interests of consumers are those desirable characteristics of the goods or services including, of course, cost, adequacy of choice, and accuracy of information—page 30, lines 16 and 19.

The heart of this bill is the representation of consumer interests before other Federal agencies who have the power and the authority to act. The hearings held by this committee over the years and the mountains of evidence accumulated elsewhere show that there is a crying need for the consumer interest to be considered by these agencies in developing policy and in making decisions. That they have failed to consider this interest adequately in the past is evident. It is also evident that it will not be done unless they are spurred to action by effective consumer representation.

A serious criticism made of the previous bill was that it did not clearly define the procedures which the Administrator would follow in representing consumers before other agencies. We felt it was important to integrate the advocacy function of the Agency into established procedures and practices. We, therefore, related its action to an existing framework—the Administrative Procedures Act—which Congress made into law in 1946, after many years of consideration. This act was designed to insure that agency decisions reflected consideration of all points of view and were arrived at after ordered procedure. Thus, the representational activities of the advocate are well grounded in law and practice.

The Agency will have a right to participate in both rulemaking and adjudicatory proceedings of Federal agencies where it finds that consumer interests are substantially affected and are not otherwise adequately protected. But under the bill, the Administrator would not be authorized to intervene in adjudications which involve primarily a fine, penalty, or forfeiture. The Moorhead amendment which I support would allow the Agency to intervene in all proceedings other than in their punitive place and would allow the Agency to review the failure to act in the consumer's interest by other agencies, and to elicit information from those agencies.

The Consumer Agency is authorized to call upon other agencies with testing facilities to conduct tests of products as part of its representation duties—in section 204—and in connection with any studies it may make of product safety—section 208, page 23. This is a necessary authority for any consumer-oriented instrumentality and the Agency could not function successfully without it

The concept of this bill, however, is not to make the Consumer Protection Agency a giant testing laboratory for consumer goods and services. It will be authorized to encourage the development and application of testing methods and techniques in the interests of consumers, but it will not be identifying "best buys," or the superiority of one product over another. The bill specifically prohibits such product ratings.

A very significant feature of this bill is the authority we give the Agency to receive and process complaints. Consumers are no longer willing to suffer in silence. They complain loudly and often about what has happened to them—sometimes even to their Congressmen. The Agency will be prepared to receive such complaints and, if they involve a violation of law, make its own investigation or transmit them to the appropriate Federal agency for action and, of course, notify the producer or retailer that the complaint has been received. This will not be the end of it, for the Agency will follow through to see what disposition of the complaint has been made.

Now these complaints will be listed and made available for public inspection, but only under conditions to assure fairness to the party complained against. The complaint may be listed and available for inspection only if:

First, the complainant had not requested confidentiality, and

Second, after the party complained against has had 60 days to comment on the complaint and such comment, when

received, is displayed together with the complaint, and

Third, the entity to which it has been referred has had 60 days to notify the Agency what action it intends to take on the complaint.

This provision of the bill will have a highly salutory effect. I predict business houses will be vying with each other to keep consumer complaints to a minimum.

An extremely potent weapon in the arsenal of the Consumer Protection Agency will be the authority this bill provides to disseminate to the public information, statistics and other data on—

First, its own functions and duties,

Second, consumer products and services, and

Third, problems encountered by consumers, generally including commercial and trade practices which adversely affect consumers—section 206, page 20, line 6.

Everyone familiar with the world of business knows that business concerns fear unfavorable publicity and will seek to avoid it in every way possible. Even the largest corporations take great pains and go to great expense to put forward an image that is appealing to the public. The power given here to expose and publicize conditions and practices in the marketplace that give rise to consumer dissatisfaction will be a most effective one indeed.

We also require all agencies of Government to cooperate with the Office and the Agency in making public information in their possession which would be useful to consumers—page 20, line 17. A beginning has already been made by the Consumer Product Coordinating Center of the General Services Administration established by Executive Order 11566, dated October 26, 1971, which is to make available evaluations of products purchased by the U.S. Government.

Of course, this bill will not permit reckless and irresponsible use of Government information or the making of unsupportable charges. But the exercise of sound judgment and discretion will prove that the tool of publicity will be an important one for furthering the consumers' interest.

The Consumer Protection Agency will not only make its appearances before other agencies within the framework of the Administrative Procedure Act, but that act would guide the operations of the new Agency itself in the publication and distribution of data, the receiving and publicizing of consumer complaints, and in providing other consumer information and services. Procedural fairness for the Agency's own rules is prescribed in section 210.

Safeguards are written into the bill to prevent the disclosure of trade secrets or confidential business information. Wherever disclosures to the public or from one agency to another are prohibited by law, then these prohibitions apply to the new Agency. These safeguards will not hamper the effectiveness of this legislation. Limitations on disclosures are set forth in section 209.

I hope that the House will give overwhelming support to this legislation today.

Mrs. MINK. Mr. Chairman, I rise in support of the amendments offered by Congressman MOORHEAD and others to convert H.R. 10835 to a stronger consumer protection bill. Unfortunately, as reported by the Committee on Government Operations, the bill falls far short of what is needed to assure U.S. consumers a fair break in the marketplace.

We are all well aware of the lengthy background of the measure before us today. As a cosponsor of the consumer protection bill in the 91st Congress, I regret that that bill failed in that session. As a cosponsor of the successor bill in the current 92d Congress, I would be equally disappointed if we approved legislation which promised more than it delivered. Our very purpose if to prevent this type of fraud on the public.

H.R. 10835 would create an effective advocate of consumer interests in the Federal Government. I envision that this new Agency, which would represent consumers in matters before such organizations as the Federal Trade Commission, Food and Drug Administration, and the other 33 Federal bodies involved, would perform a role in the consumer protection field similar to that of the new Environmental Protection Agency in the field of ecology and environment. Currently, many of these agencies are now reflecting the views of the special interest groups they were intended to regulate, rather than the average consumer.

The committee amended the bill, however, to place restrictions and limitations on the ability of the Consumer Protection Agency to fill this vital role. We are now seeking to amend the bill again to restore these powers.

Specifically, we should improve and strengthen this measure by authorizing the Consumer Protection Agency to intervene as a matter of statutory right in any Federal administrative proceeding, and limitations on this right which were added to the committee bill should be eliminated.

Second, the Consumer Protection Agency should be authorized to participate in any State and local proceedings where the Federal Government has either delegated authority to the State or has authorized nonconflicting State regulations. Further, subpena power should be granted to the Consumer Protection Agency under conditions requiring that information requests be relevant to proceedings in which the Agency may participate and not unduly onerous.

It seems to me that these changes are greatly needed to make this truly the "Consumer Protection Act of 1971."

As approved by the committee, the bill bars the new Agency from intervening as a party in an agency proceeding which imposes any criminal fine, penalty, or forfeiture. Since virtually all consumer protection laws provide for the imposition of fines and/or penalties, and/or forfeitures, this language could be interpreted to exclude the Consumer Protection Agency from intervention as a party in practically all adjudicatory proceedings.

There can be endless argument about what is specifically included or not included in the right of the Agency to participate in agency proceedings, but the essential point is that there is no reason to place any hampering limitations on the Agency's ability to protect American consumers. Instead, we should give the Agency maximum power to act, in the knowledge that it would do so wisely and effectively.

Honest businesses have just as much need for this legislation as do consumers, for they will be protected from the sins and misdeeds of those few companies which do not adhere to sound practices.

I urge that the bill be amended and adopted.

Mr. RYAN. Mr. Chairman, over the past 50 years, the Congress has passed a patchwork of legislation intended to safeguard the interests of the consumer. Yet, for the most part, the consumer has gone unprotected—not because these have been bad laws, but because those agencies responsible for administering them have not fulfilled their responsibilities.

Of the 39 various Federal departments and agencies which have been delegated authority to protect the consumer's interests, not one is devoted exclusively or even in substantial part to protecting the buying public. Rather, each has a prior commitment to another interest group and has systematically excluded the consumer from the decisionmaking process by which these agencies allegedly seek to protect his welfare. Nowhere in Government is there a genuine force responsible solely to the consumer and dedicated to his interests.

I have long been an advocate of the establishment of an independent Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers. And I have sponsored legislation, including H.R. 4433 in this Congress to accomplish this end.

Today, the Congress has before it the Consumer Protection Act of 1971—H.R. 10835. This legislation could be the vehicle for creating an effective Consumer Protection Agency. Yet, the committee-reported bill fails to provide that authority necessary to make the proposed Agency a meaningful entity: authority to represent the interests of consumers whenever decisions are made or policies established which are important to consumers.

This essential authority would be provided by adoption of the amendment to be offered by our colleague from Pennsylvania (Mr. MOORHEAD) on behalf of himself and 16 members of the Committee on Government Operations.

Section 204 of the committee bill unduly limits the authority of the Consumer Protection Agency to intervene as a matter of right in administrative proceedings affecting consumers. Under the committee bill the Consumer Protection Agency may not intervene as a party in Federal agency proceedings which seek "primarily to impose a fine, penalty, or forfeiture." This language would exclude Consumer Protection Agency intervention as a party in practically all adjudicatory proceedings, since virtually all consumer protection laws provide for the imposition

of fines and/or penalties and/or forfeitures.

On the other hand, the Moorhead amendment would allow the Consumer Protection Agency to intervene as a party in all adjudicatory proceedings other than those parts of the proceedings "relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

Further, the amendment would give the Consumer Protection Agency the right to conduct reviews and investigations, and require information from Federal agencies, for the purpose of submitting information, findings or recommendations to the Congress regarding any matter affecting the interests of consumers where a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding. Thus, the Consumer Protection Agency could conduct oversight of agency informal proceedings and the manner in which they are used to dispose of complaints.

It is important to point out that the amendment would give the Consumer Protection Agency the right to require other Federal agencies to provide information in order to carry out its oversight responsibilities. The bill, as reported from committee, does not give the Consumer Protection Agency the authority to require other Federal agencies to provide information.

In essence, the Moorhead amendment makes it possible for the Consumer Protection Agency to do that which is essential to carry out its responsibilities to the consumer: Represent him in the Government's decisionmaking and policymaking procedures. It does not provide the Consumer Protection Agency with any regulatory powers; nor powers to fine, to penalize, or to dictate to industry.

For far too long, the consumers of this country have been without an adequate voice. It is time for the Congress—the elected representatives of the people—to provide that voice.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 10835

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 "Consumer Protection Act of 1971".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of the interests of consumers are essential to the fair and efficient functioning of a free market economy.

TITLE I—OFFICE OF CONSUMER AFFAIRS

ESTABLISHMENT

SEC. 101. (a) There is established in the Executive Office of the President the Office of Consumer Affairs.

(b) The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 102 (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Director is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular places of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Director, compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel and facilities of other Federal agencies and of State and private agencies and instrumentalities;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies carrying out programs and activities related to the protection of the interests of consumers.

(c) Upon request made by the Director, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Office in the performance of its functions; and

(2) except when prohibited by law, (A) to furnish to the Office such information, data, estimates, and statistics, and (B) to allow access to all information in its possession which the Director may determine to be necessary for the performance of the functions of the Office.

(d) The Director shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited, to comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

FUNCTIONS OF THE OFFICE

SEC. 103. It shall be the function of the Office to—

(1) assist the President in coordinating the programs and activities of all Federal agencies relating to the interests of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

(2) encourage and assist in the development and implementation of consumer programs and activities in the Federal Government;

(3) assure that the interests of consumers are taken into consideration by appropriate Federal agencies both in the formulation of policies and in the operation of programs that may affect the interests of consumers;

(4) cooperate with and, when requested, provide assistance to the Consumer Protection Agency in carrying out its functions under title II of this Act;

(5) advise and make recommendations to all Federal agencies with respect to general policy matters concerning the effectiveness of programs and activities relating to the interests of consumers;

(6) submit recommendations to the Congress and the President on the means by which programs and activities relating to the interests of consumers can be improved;

(7) conduct conferences, surveys, and investigations, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree of similar activities conducted by other Federal agencies;

(8) encourage, initiate, coordinate, and participate in consumer education and counseling programs (including credit counseling);

(9) encourage, support, and coordinate research and studies leading to improved products, services, and consumer information;

(10) cooperate with and give technical assistance to State and local governments in the promotion and protection of the interests of consumers, including programs relating to the arbitration of disputes between consumers and businessmen and producers;

(11) cooperate with and assist private enterprise in the promotion and protection of the interests of consumers;

(12) publish and distribute in a Consumer Register or in other suitable form material which will include notice of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public; and

(13) keep the appropriate committees of the Congress fully and currently informed of all of its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress.

TRANSFER OF ASSETS AND PERSONNEL

SEC. 104. All personnel, assets, liabilities, property, and records of the Office of Consumer Affairs and of the Consumer Advisory Council established by Executive Order 11583 signed on February 24, 1971, as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function granted to the Office or to the Council established by this Act, are transferred respectively to said Office or Council.

Mr. HOLIFIELD (during the reading.) Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—CONSUMER PROTECTION AGENCY

ESTABLISHMENT

SEC. 201. (a) There is hereby established as an independent agency within the executive branch of the Government the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.

POWERS AND DUTIES OF THE ADMINISTRATOR

SEC. 202. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Administrator is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employes as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their home or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(8) adopt an official seal, which shall be judicially noticed.

(c) Upon request made by the Administrator, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Agency in the performance of its functions; and

(2) except when prohibited by law, (A) to furnish to the Agency such information, data, estimates, and statistics, and (B) to allow such access to all information in its possession which the Administrator may determine to be necessary for the performance of the functions of the Agency.

(d) The Administrator shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

FUNCTIONS OF THE AGENCY

SEC. 203. (a) The Agency shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Agency shall be to—

(1) represent the interests of consumers before Federal agencies and courts to the extent authorized by this title;

(2) encourage and support research, studies, and testing leading to a better understanding of consumer products and improved products, services, and consumer information to the extent authorized in section 207 of this title;

(3) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in the protection and promotion of the interests of consumers;

(4) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them to the extent authorized in section 206 of this title;

(5) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree of similar activities conducted by other Federal agencies;

(6) keep the appropriate committees of Congress fully and currently informed of all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress; and

(7) cooperate with and, when requested, provide assistance to the Director of the Office in the performance of his functions.

REPRESENTATION OF CONSUMERS

SEC. 204. (a) Whenever the Agency finds that (i) the result of a pending Federal agency proceeding under the provisions of chapter 5 relating to administrative procedure of title 5, United States Code, may substantially affect the interests of consumers, and (ii) such interests may not be adequately protected unless the Agency participates or intervenes in the agency proceeding, the Agency—

(1) as a matter of right may participate for the purpose of representing the interests of consumers in any rulemaking proceeding (other than a proceeding involving solely the internal operations of the Federal agency), but such participation shall be in conformity with statutes and rules governing the conduct of the proceeding; and

(2) as a matter of right may intervene as a party pursuant to the rules of practice and procedure of the Federal agency and enter an appearance for the purpose of representing the interests of consumers in any adjudicatory proceeding (other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

(b) At such time as the Agency begins to participate in a rulemaking proceeding or enters an appearance in an adjudicatory proceeding under subsection (a) of this section, it shall file in the proceeding and issue publicly a written statement setting forth its findings under clauses (i) and (ii) of such subsection and also stating concisely the specific interests of consumers to be protected in the proceeding.

(c) Whenever—

(1) there is pending before a Federal agency any adjudicatory proceeding which seeks primarily to impose a fine, penalty, or forfeiture, or for an alleged violation by a defendant or respondent therein of a statute of the United States or of a rule, order, or decree promulgated thereunder, or

(2) there is pending before any court of the United States any action to which the United States or any Federal agency is a party,

and which may in the opinion of the Agency substantially affect the interests of consumers, the Agency upon its own motion, or upon written request made by the officer or employee of the United States or of such agency who is charged with the duty of presenting the case for the United States or the Federal agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to the matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(d) The Agency may intervene as a party in a proceeding in a court of the United States involving the review of Federal agency action in a rulemaking proceeding in which the Agency had participated pursuant to subsection (a)(1) or in an adjudicatory proceeding in which the Agency had intervened pursuant to subsection (a)(2), and to the extent that a right of judicial review is otherwise accorded by law, the Agency may institute a proceeding in a competent court of the United States to secure such a review; if the Agency did not participate or intervene in the proceeding which led to such Federal agency action, the Agency may intervene or institute a proceeding to obtain judicial review of such action if the court finds that (i) the agency action may adversely affect consumers, and (ii) the interests of consumers are not otherwise adequately represented in the action. Where the rules of practice and procedure of a particular Federal agency so require, the Agency shall petition the Federal agency for rehearing or reconsideration of an action before instituting a proceeding to obtain judicial review.

(e) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

(f) Appearances by the Agency under this section shall be in its own name and shall be made by qualified representatives designated by the Administrator.

(g) In any Federal agency proceeding to which the Agency is a party, the Agency is authorized to request the Federal agency to issue and the Federal agency shall, on a statement or showing of general relevance and reasonable scope of the evidence sought, issue such orders, as authorized by the agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing.

(h) The Agency is not authorized to intervene in proceedings or actions before State or local agencies and courts.

(i) Nothing in this section shall be construed to prohibit the Agency from communicating with Federal, State, or local agencies at times and in manners not inconsistent with law or agency rules.

CONSUMER COMPLAINTS

SEC. 205. (a) The Agency shall receive, evaluate, develop, act on, and transmit complaints to the appropriate Federal or non-Federal entities concerning actions or practices which may be detrimental to the interests of consumers.

(b) Whenever the Agency receives from any source, or develops on its own initiative, any complaint or other information affecting the interests of consumers and disclosing a probable violation of—

(1) a law of the United States,

(2) a rule or order of a Federal agency or officer, or

(3) a judgment, decree, or order of any court of the United States involving a matter of Federal law, it shall take such action within its authority as may be desirable, including the proposal of legislation, or shall promptly transmit such complaint or other information to the Federal agency or officer charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action.

(c) The Agency shall ascertain the nature and extent of action taken with regard to respective complaints and other information transmitted under subsection (b) of this section.

(d) The Agency shall notify promptly, producers, distributors, retailers or suppliers of goods and services of all complaints concerning them received or developed under this section.

(e) The Agency shall maintain a public document room containing an up-to-date listing of all signed consumer complaints for public inspection and copying which the Agency and the Office have received, arranged in meaningful and useful categories, together with annotations of actions taken by it. Complaints shall be listed and made available for public inspection and copying only if the following conditions are met: (1) the complainant has not requested confidentiality; (2) the party complained against has had sixty days to comment on such complaint and such comment, when received, is displayed together with the complaint; and (3) the entity to which the complaint has been referred has had sixty days to notify the Agency what action, if any, it intends to take with respect to the complaint.

(f) Nothing in this section shall preclude the Office from acting upon such complaints as it may receive. The Office shall transmit promptly to the Agency copies of complaints that it receives along with a brief statement of any action that it may have taken upon such complaints.

CONSUMER INFORMATION AND SERVICES

SEC. 206. (a) The Agency shall develop on its own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as it determines to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Agency;

(2) consumer products and services; and

(3) problems encountered by consumers generally including commercial and trade practices which adversely affect consumers.

(b) All Federal agencies which, in the judgment of the Administrator and Director, possess information which would be useful to consumers are authorized and directed to cooperate with the Agency and Office in making such information available to the public.

(c) Nothing in this section shall preclude the Office from carrying out such informational services as are within its authority and responsibility.

TESTING AND RESEARCH

SEC. 207. (a) The Agency shall, in the exercise of its functions—

(1) encourage and support through both public and private entities the development and application of methods and techniques for testing materials, mechanisms, components, structures, and processes used in consumer products and for improving consumer services;

(2) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and

(3) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a nonperishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.

(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff relating to the performance of consumer products and services, are authorized and directed to perform promptly, such tests as the Administrator may request, in the exercise of his functions under sections 204 and 208 of this title, regarding any matter affecting the interests of consumers. The results of such tests may be used or published only in the exercise of the Agency's authority under section 208 and in proceedings in which the Agency is participating or has intervened pursuant to section 204. In providing facilities and staff upon request made in writing by the Administrator, Federal agencies—

(1) may perform functions under this section without regard to section 529 of title 31, United States Code;

(2) may request any other Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law by furnishing such materials; and

(3) may, to the extent necessary and authorized, acquire or establish additional facilities and purchase additional equipment for the purpose of carrying out the purposes of this section.

(c) Neither a Federal agency engaged in testing products under this Act nor the Administrator shall declare one product to be better, or a better buy, than any other product.

(d) The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

CONSUMER SAFETY

SEC. 208. The Agency shall conduct studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products, including consideration of—

(1) the identity of categories of household products, except those which are subject to regulation under Federal statute with respect to any risk to health and safety, which may present an unreasonable hazard to the health and safety of the consuming public; and

(2) the extent to which self-regulation by industry affords such protection:

Provided, however, That such studies and investigations shall not be duplicative in significant degree of similar activities conducted by other Federal agencies.

LIMITATIONS ON DISCLOSURES

SEC. 209. (a) Any instrumentality created by or under this Act shall not disclose to the public—

(1) any information (other than complaints published pursuant to section 205 of this Act) in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged or confidential; or

(2) any information which was received from a Federal agency when such agency has notified the instrumentality that the information is within the exceptions stated in subsection (b) of section 552 of title 5, United States Code, and the Federal agency has determined that the information should not be made available to the public.

(b) No authority conferred by this Act shall be deemed to require any Federal agency to release any instrumentality, created by or under this Act, any information the disclosure of which is prohibited by law or by specific direction of the President.

(c) In the release of information pursuant to the authority conferred in any section of this Act, except information released through the presentation of evidence in a Federal agency or court proceeding pursuant to section 204, the following additional provisions shall govern:

1. Information, statistics, and other data concerning consumer products and services shall be made public only after such have

been determined to be accurate and provided such are not within the categories set out in subsection (b) of section 552 of title 5, United States Code (relating to public information).

(2) In the dissemination of any test results or other information which directly or indirectly disclose product names, it shall be made clear that (i) not all products of a competitive nature have been tested, if such is the case, and (ii) there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(3) Notice of all changes or additional information which would affect the fairness of information previously disseminated to the public shall be promptly disseminated in a similar manner.

PROCEDURAL FAIRNESS

SEC. 210. In exercising the powers conferred in sections 203(b)(4), 205, 206, and 208, the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with the requirements of section 553 of title 5, United States Code, so as to assure fairness to all affected parties, and provide interested persons with a reasonable opportunity to comment on the proposed release of product test data, containing product names, prior to such release.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, I think we are now getting to the most important part of this bill; that is, title II and particularly section 204.

Mr. Chairman, I note with interest, though this is a terribly important bill, that very few Members are present on the floor; so, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-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. 296]

Abernethy	Edwards, La.	Miller, Calif.
Anderson, Tenn.	Evins, Tenn.	Mills, Ark.
	Fraser	Mitchell
Aspinall	Fulton, Tenn.	O'Hara
Baring	Gettys	Pelly
Blatnik	Gray	Rees
Brooks	Halpern	Rhodes
Carey, N.Y.	Hawkins	Rooney, Pa.
Chisholm	Hébert	Scheuer
Clark	Hicks, Mass.	Schwengel
Clausen, Don H.	Kee	Sikes
	Kuykendall	Slack
Clay	Lloyd	Steed
Collier	Long, La.	Vander Jagt
de la Garza	McClure	Waggonner
Dent	McDade	Wilson, Charles H.
Derwinski	Mailliard	
Diggs	Mikva	Wyman

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10835, and finding itself without a quorum, he had directed the roll to be called, when 378 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.

The CHAIRMAN. When the Committee rose, the pending business was the unanimous-consent request of the gentleman from California (Mr. HOLIFIELD) that title II be considered as read, printed in the RECORD, and open to amendment at any point.

Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 11, strike out "relating to administrative procedure".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 12, insert "relating to administrative procedure," immediately after the word "Code,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 16, line 25, insert "required by law or by" immediately after the word "Where".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 17, line 1, strike out "so require".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 22, line 3, immediately after the word "promptly" insert, ", to the greatest practicable extent within its capability,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 24, lines 16 and 17, strike out "or by specific direction of the President".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 15, strike out lines 2 through 6, inclusive, and insert the following: "adjudicatory proceeding (other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forefeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

"(b) The Agency, as a matter of right may undertake reviews and investigations, and require information from Federal agencies, including that provided for in subsection (h) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section."

And redesignate the succeeding subsections of section 204 accordingly.

(By unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. MOORHEAD. Mr. Chairman, I am offering a small, 15-line amendment that has a large purpose; in fact, a dual purpose. The amendment I am offering is a consensus amendment. It does not satisfy all people, but it was the amendment which satisfied the greatest number of members on the committee. I am offering it on behalf of the following members of your Government Operations Committee: Mr. BROOKS, Mr. MOSS, Mr. FASCELL, Mr. REUSS, Mr. MACDONALD of Massachusetts, Mr. GALLAGHER, Mr. ROSENTHAL, Mr. WRIGHT, Mr. ST GERMAIN, Mr. CULVER, Mr. HICKS, Mr. COLLINS, Mr. CONYERS, Mrs. ABZUG, Mr. REID of New York, and Mr. MCCLOSKEY.

Mr. Chairman, the distinguished chairman of the Government Operations Committee has succeeded, under great pressure, in reporting a consumer bill, which is a step forward. But I believe that the bill has two serious defects which, however, can be cured by one amendment.

Our amendment is designed to rectify these defects and to give some clout to the Consumer Protection Agency, thereby arming it for effectiveness but keeping it far short of the "superagency" that some on our committee would like to see.

Section 204(a)(2) of the committee bill provides for Agency participation in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

This language in subsection 204(a)(2) would severely limit the operations of the Consumer Protection Agency, because there are few statutes governing adjudication that do not contain language imposing a fine, penalty, or forfeiture. For example, in the 378 formal adjudications pending at the Civil Aeronautics Board on July 1, 1971, all 378 adjudications sought the imposition of a penalty. Thus the Agency under the reported bill might be dealt out of almost all proceedings where its presence could provide relief for the consumer.

Our amendment merely authorizes the Consumer Protection Agency to participate in all aspects of a case except those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture.

The second area I seek to alter involves that gray, but very formidable subject of "informal proceedings."

Prof. Kenneth C. Davis, perhaps the leading academic scholar in administrative law, has estimated that, taking the Federal administrative agencies as a group, the ratio of informal matters to formal may be 50 or 100 to 1. Section 204 in the reported bill makes no provision for participation by the Consumer Protection Agency in any informal proceedings, despite the importance that such proceedings play in the enforcement of Federal legislation directly affecting consumers.

Our amendment seeks to give the Consumer Protection Agency some limited oversight when an agency makes an informal ruling or does nothing at all.

We would accomplish this by adding the following language to section 204:

(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g)—

And that is the old (f)—

of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section.

That was the old section (e) of the bill.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the Agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment merely provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress not only would have the means of gaging the effectiveness of the Agency's operations, but we also could see firsthand the degree of responsibility and effectiveness inherent in the operations of the Consumer Protection Agency.

In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

The adoption of this 15-line amendment will cure the most serious defects in an otherwise good bill, which is a step forward.

As the Washington Post, in an editorial entitled, "Consumer Protection: A Key Vote in the House," said today, the Moorhead amendment—

Would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures.

This 15-line amendment will not change the bill to create a super agency.

As the Washington Post editorial said:

Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

This 15-line amendment will, however, prevent us from creating and simultaneously hamstringing a consumer agency which, without the amendment, might otherwise be—in the words of the gentleman from New York (Mr. ROSENTHAL)—"a sheep in wolf's clothing."

The adoption of the amendment will not satisfy my friend, the gentleman from New York. He believes that much more should be done to strengthen the bill.

The amendment, as I have said, is a consensus amendment which 17 members of our committee have cosponsored or supported. It is an amendment which has been supported by members of other committees. It has been endorsed by the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS).

It is an amendment which the consumer groups will endorse as making this bill acceptable to consumers.

But it is an amendment the defeat of which they will consider a sharp rebuke by Congress to the interests of consumers across our Nation.

The vote on this amendment will be a test of the sincerity of the commitments which all of us have made to the 200 million American consumers.

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

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I commend the distinguished gentleman in the well, the gentleman from Pennsylvania (Mr. MOORHEAD).

I rise in wholehearted support of the Moorhead-Brooks amendment.

Mr. Chairman, the spectrum of petition intervention of the Consumer Protection Agency is limited under H.R. 10835 to pending rulemaking and license revocation, and to a very, very limited slice of the adjudicatory process—that is, no adjudicatory proceeding principally for the purpose of imposing a "penalty, fine, or forfeiture." This means that the great bulk of Agency process, actions, and decisions, in particular the informal processes where the ball game is decided or not decided—is off limits to the CPA's legal standing to petition, even to be heard, in order to report to the Congress. These excluded areas include:

First. Investigations. The CPA should be able to report on the need for their enlargement or different direction, or more data collected.

Second. Intervening or petitioning another agency to initiate some action where there is a duty to act. At present the CPA can only represent during pending proceedings which leave it at the mercy of the regulatory agency's inaction pattern.

Third. Challenging secrecy of information policies—like USDA detention orders re contaminated meat and poultry inspection, laboratory reports, personnel evaluation reports re efficiency by Civil Service Commission. The CPA should be able to report to Congress on these matters.

Fourth. The need to improve procedures and practices of the regulatory Agency—a very critical authority to facilitate consumer access to the administrative process—standing, cost, delay, et cetera, and to streamline the Agency so that it can make fairer, faster policies in the substantive area for consumer justice. CPA insight is needed here.

Fifth. Petitioning regarding chronic nonenforcement as ICC and moving van violations, truth-in-lending or packaging, flammable fabric and toy hazards, and poison prevention act. Truck safety standards enforced.

Sixth. Intelligent oversight of the many regulatory agencies use of supervisory practices which Prof. Kenneth C. Davis calls the bulk of day-to-day Agency work or nonwork—he calls it "discretionary administration." For example, all those "assurances of voluntary compliance" and consent agreements which are never checked for compliance year after year. SEC delegations to stock exchanges. Department of Commerce monitoring of voluntary standards it develops with industry—for example, lumber and plumbing standards. Handling of passenger complaints about declining quality of rail passenger service ignored by the ICC. CPA advice is needed here.

I believe the above segments of the spectrum of agency actions and decisions should be open to CPA oversight for this Congress.

I urge adoption of the Moorhead-Brooks amendment.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from New York, a distinguished member of the Committee on Government Operations.

Mr. REID of New York. I thank the gentleman for yielding.

I am happy to join the gentleman in offering the amendment.

Is it not true that absent this amendment the committee bill in its present form might preclude the CPA from being able to represent consumers in perhaps 98 percent of the cases wherein the consumer has a vital stake; that is to say, in the informal conference and in informal proceedings? That is why it is important, because absent it the consumer could be represented in as little as 2 percent of the cases.

These informal proceedings constitute the consumer's battleground. They are where his fight can be won or lost. The committee bill gives the CPA no jurisdiction whatsoever over questions of how much DES—a growth hormone—can be put in beef, whether preservatives—BHT—should be put in bread, and what the effect of sodium nitrate is in hot dogs. Nor does the committee bill give the CPA any jurisdiction whatsoever over questions of vehicle defects involving car safety and truck safety or flammable fabric toy hazards.

I support this amendment because it

opens the door for the CPA to intervene in formal proceedings, where the committee bill prohibits intervention if the proceeding seeks "primarily to impose a fine, penalty or forfeiture." Every single one of last year's formal proceedings that I know of sought "primarily to impose a fine, penalty or forfeiture." The language being offered here today would narrow this huge loophole by barring intervention only if the proceeding relates "directly to the decision" to impose such a penalty.

In addition, although the CPA is still prohibited from intervening in informal proceedings, I support the goal of the amendment to give it jurisdiction in the area of studying the use of the informal proceeding and reporting to the Congress on the relation of the consumer to such proceedings.

Mr. MOORHEAD. And, in addition, in cases where the Agency does not act and there is no pending adjudication proceeding, and in the cases where a penalty, fine, or forfeiture may be involved.

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

(On request of Mr. TEAGUE of Texas, and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 1 additional minute.)

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Was this amendment considered in committee; and, if so, what happened?

Mr. MOORHEAD. The subject matter of the amendment was, but not in those words, considered in committee. One of the words was "primarily." We attempted to amend that in committee, and the amendment failed on an 18 to 18 tie vote.

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

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

(On request of Mr. HORTON, and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

Mr. HORTON. Mr. Chairman, I should like to ask some questions about the amendment.

As the gentleman knows, he and I serve together on a subcommittee of the Committee on Government Operations, the Foreign Operations and Government Information.

Mr. MOORHEAD. I have always enjoyed my service with the gentleman from New York.

Mr. HORTON. That subcommittee has jurisdiction over the Freedom of Information Act. I know the gentleman has great knowledge about the Freedom of Information Act. I am sure the gentleman would agree the Freedom of Information Act does not apply to Congress. Is that correct?

Mr. MOORHEAD. That is certainly my construction.

Mr. HORTON. As I read the gentleman's amendment, one of the things subsection (b) would do is to give to the CPA the right to require information from Federal agencies, including that provided for in subsection (h), concerning subpena authority which is contained in the committee bill as subsection (g). Is that correct?

Mr. MOORHEAD. That is correct. We have to reletter the sections.

Mr. HORTON. That is a subpena power, is it not? That is an indirect subpena power under the bill that the agencies now have; is that no correct?

Mr. MOORHEAD. That is correct. It is subject to the limitations of (g) and (e) of course.

Mr. HORTON. As I understand subsection (g), the Consumer Protection Agency can require host agencies to subpena records, data and other information, including trade secrets, price and cost data, and other confidential information from private concerns.

Mr. MOORHEAD. We do not by this amendment create any subpena power.

Mr. HORTON. I understand.

Mr. MOORHEAD. This does not give any subpena power where subpena power did not heretofore exist under law.

Mr. HORTON. The problem I am concerned about is that the gentleman does give to this Agency at an early stage of the proceedings the subpena power indirectly or inferentially.

Also in subsection (b) of the amendment, there is made possible and the CPA is required to make this type of information available to Congress. It does not therefore fall under the provisions of section 209, listed on page 23 of the bill, which is a limitation on disclosure. There it says:

> Any instrumentality created by or under this Act shall not disclose to the public—

Mr. MOORHEAD. As I read the amendment, the other limitations in the bill would continue to exist.

Mr. HORTON. The information the gentleman is proposing here in this section seems to me to be very serious in that it appear the CPA can get information, such as information from corporations as to their competitive matters—pricing and all the other things—which they might not want to make available, take that information and make a report to the Congress, for the purpose of circumventing the limitations under the Freedom of Information Act.

Would the gentleman like to comment on that?

Mr. MOORHEAD. Yes. This will not increase the power of any existing agency to acquire information. So the existing body of law the Congress has passed over the years will remain the same.

The Consumer Protection Agency would have the right to have the FDA ask for information from a drug manufacturing firm. The FDA can do that today.

Mr. HORTON. I understand that. This amendment would permit the CPA to exercise that subpena power in judicial and agency proceedings, and upon obtaining this information, making it public by passing it through Congress.

Mr. MOORHEAD. If the Federal Agency has the information already.

Mr. HORTON. But it would not have it until the subpena power was exercised permitting the Agency to get that information.

Mr. MOORHEAD. No. Read the language.

Mr. HORTON. I have read the language.

Mr. MOORHEAD. It requires information from the Federal agency. One thrust is to get information already in the possession of the Federal agency. If the FDA has information on a drug which is causing certain effects, then the Agency can get that information.

Mr. HORTON. I have a corporation in my district, Eastman Kodak. Let us assume one of the agencies, such as the Federal Trade Commission, has some information or subpenas information at the request of the CPA about the making of film in its possession. After the information was obtained, the CPA could make it public by reporting publicly to the Congress. The point I am making is that the protective provisions of section 209 do not apply if that information is made available to the Congress, and any Member of the Congress can require the information. We do not have the prohibition that we have under the Freedom of Information Act, which would apply to any other instrumentality. The concern I have is that this type of information can be made available to the public indirectly when it could not be done directly.

Mr. ST GERMAIN. Will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. ST GERMAIN. This point was discussed in the subcommittee and in the full committee. The fact remains that the kodak company can refuse to produce the information. It can go to court and have them decide in court whether or not it is in fact an invasion of privacy and whether or not they would be publishing secret information that would do damage to the company. This has no bearing on the case. In no way would this publicize secret facts. They still have the privilege of going to court.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we struggled long and hard in the committee last year and again this year over the question of how far we should go in giving the Consumer Protection Agency this subpena power. It was the decision of the committee not to give blanket subpena power to the Consumer Protection Agency.

I do not believe this amendment goes so far as to give them blanket subpena power, but it goes as far as the gentleman from New York has pointed out; namely, to make it mandatory on existing agencies to deliver to the Consumer Protection Agency any information in their possession.

I think the question that Mr. ST GERMAIN asked was really not germane. We are not talking about the Consumer Protection Agency here trying to get information from the Kodak Co., but as Mr. HORTON put the question the Consumer Protection Agency could go to the Federal Trade Commission and say "We

want information concerning trade secrets of the Kodak Co.," and the Federal Trade Commission would have no authority to deny that, because it says here in subsection (b) of the amendment "require information from Federal agencies."

There is no limitation here. I presume that means that the Consumer Protection Agency could go to the Internal Revenue Service and say, "We would like to have the income tax returns for the Kodak Co. for the last 5 years." Nothing in here gives any discretion to the existing agencies to say no.

Under the Freedom of Information Act or under other laws, this information should not be made available. So this does not give the subpena power to go to private individuals or corporations and get information, but every agency of the Government carries a wealth of information and some of it is protected by the Freedom of Information Act as well as other acts of Congress now, but the Moorhead amendment would make all of this information available to the Consumer Protection Agency, which would then make it available to the Congress and put it into the public domain.

I do not think that this Congress wants to go that far. I think the amendment should be defeated.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. PODELL. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

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

Mr. PODELL. Mr. Chairman, the time is long past for Congress to enact meaningful legislation that will benefit the American consumer. It is for this reason that I rise today in support of the Moorhead amendment to the Consumer Protection Act.

This amendment would significantly strengthen the authority of the proposed Consumer Protection Agency by allowing it to represent the public in proceedings before other Federal departments and agencies.

It would empower the Consumer Protection Agency to conduct "reviews and investigations" in the public interest for the purpose of obtaining information on abusive consumer practices. It would authorize the Consumer Protection Agency to intervene as a party in all adjudicatory proceedings other than those "related directly to the decision to impose any criminal fine, penalty, or forfeiture."

In contrast, the bill, without this necessary amendment would not give the CPA the right to make other Federal agencies provide this information. A further weakness of the committee bill is that it precludes CPA intervention in all informal proceedings and investigations such as FTC flammability cases and USDA Meat and Poultry Inspection Act disciplinary actions.

It is necessary to bear in mind that even with the Moorhead amendment, the Consumer Protection Agency has no regulatory powers. It cannot tell any business or industry how to manufacture, market, or advertise its products and services. It cannot impose any penalties or sanctions. It cannot dictate to any other Federal agency how to decide cases or what policies to establish.

The voice of the consumer in the Nixon administration has been as silent as a porkchop salesman at a Jewish wedding. Ralph Nader, America's leading consumer advocate has continuously assailed the apathetic stance which the administration has taken in regard to protecting the public in consumer affairs matters. Consumers Union magazine has found fundamental fault with the President's entire approach.

An independent consumer protection agency, well-staffed and strong, not lodged in the vast bureaucratic caverns of Government and not subject to political manipulation is the ultimate answer to the consumer's dilemma.

I urge all my colleagues to support this long needed legislation that would benefit our Nation's 200 million consumers. The Moorhead amendment is a constructive and important first step toward achieving a consumer's "Bill of Rights."

Mr. BROOKS. Mr. Chairman, I support the Moorhead amendment. The amendment does two things. It removes a limitation, an arbitrary limitation, on this adjudicatory proceedings in which the Consumer Agency could intervene and, No. 2, it provides the agency with the capacity to get the information necessary to make a report to the Congress of the United States. It does not sound very criminal in either instance.

Mr. Chairman, each of these changes would improve the effectiveness of this legislation without imposing any unfair burden upon anyone.

The proposed amendment would provide that in adjudicatory proceedings the Consumer Protection Agency could not become involved in any criminal prosecution or the assessment of any criminal fine or penalty. Furthermore, following the refusal of an agency to institute proceedings on behalf of the consumer, the Agency would have to be afforded the opportunity to proceed in its normal capacity.

Mr. Chairman, these reasonable extensions of the authority to the Consumer Protection Agency are in keeping with the overall concept of the bill and of the stated objectives of the legislation. It is proposed to provide protection for the people. This is necessary if this new agency is to do the very best job possible for the consumers.

Mr. Chairman, I do not believe that these reasonable extensions of authority are unreasonable. We should not accept obvious defects in legislation on the basis that we can change it within a couple of years. We must act in a responsible manner. The proposed extensions are responsible in both form and substance. It is incumbent upon the Congress to approve as effective consumer protection legislation as possible and the time to do that is now. The need is urgent. The benefits to the public are substantial. The time has come to put a Consumer Protection Agency to work on a full-time basis on behalf of the American consumer and under the watchful eye of the Congress.

SUBSTITUTE AMENDMENT OFFERED BY MR. FUQUA FOR THE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. FUQUA. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA as a substitute for the amendment offered by Mr. MOORHEAD: On page 14, strike the heading on line 8 and delete section 204 in its entirety, inserting in lieu thereof the following new heading and section 204:

"PROTECTION AND REPRESENTATION OF CONSUMERS IN AGENCY AND COURT PROCEEDINGS

"SEC. 204. (a) Every Federal agency, prior to taking any action of a nature which reasonably can be construed as substantially affecting the interests of consumers, shall provide notice of such action to the Office and Agency at such time as notice of the action is given to the public, and shall, consistent with its statutory responsibilities, take such action with due consideration being given to the interests of consumers. Such action shall include, but not be limited to,

"(1) the promulgation of rules and regulations or guidelines,

"(2) the formulation of policy decisions, or

"(3) the issuance of orders, decrees or standards.

For the purposes of this section, a notice published in the Federal Register shall constitute notice to the Office and Agency.

"(b) In taking any action under paragraph (a), upon request of the Agency or in those cases where a public announcement would normally be made, the agency concerned shall indicate concisely in a public announcement of such action the consideration given to the interests of consumers.

"(c)(1) Whenever there is pending in or before any Federal agency of the United States any investigation, hearing, or other proceeding, or there is pending in or before any court of the United States any proceeding to which the United States or any Federal agency is a party, and the Agency finds—

"(i) the result of such proceeding may substantially affect the interests of consumers; and

"(ii) such interests may not be adequately represented unless the Agency participates, upon a timely filing of a copy of such findings with the Federal agency or court in or before which such proceeding is pending, the Agency shall be entitled as a matter or right to, orally or in writing, present in such proceeding such relevant and material information in its possession as the Agency deems necessary to enable the Federal agency or court to give due consideration to the valid interests of consumers.

"(2) Upon request by the Agency, each Federal agency is authorized and directed, prior to taking an action resulting from a proceeding in which the Agency has participated, to make available to the Agency any transcript of testimony and exhibits, together with all papers and requests filed in such proceeding; and the Agency shall be entitled, within such time as shall be permitted by rules of practice and procedure, to file written comments thereon and to identify with reasonable particularity any additional information it deems necessary to permit the agency to give due consideration to the interests of consumers in taking such action. Such comments by the Agency shall be made available for written comment by interested persons within such time as

shall be permitted by rules of practice and procedure, and, together with any such comments by interested persons, shall be included in the record if there is a record, and considered by the agency.

"(d) This section does not prohibit participation by the Agency in any State or local court or administrative agency proceeding, provided that such participation shall be at the discretion of the State or local court or administrative agency, and, notwithstanding any State or local rules of practice or procedure that might be applicable to such participation by the Agency, the Agency shall participate in such State or local proceedings only to the extent that it is authorized to participate in proceedings in or before a Federal agency or court as provided by this section.

"(e) Except as provided in this section, the Agency shall not participate in any Federal, State or local court or agency proceeding, or in connection with any judicial review of an agency proceeding. However, nothing in this Act shall be construed by any court or agency as affecting the discretion or statutory right of any court or agency to permit any person, class of persons, or agency other than the Agency, to initiate, intervene, or otherwise participate in any proceeding of such court or agency.

"(f) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

"(g) Appearances by the Agency under this section shall be in its own name and shall be made by qualified representatives designated by the Administrator.

"(h) Nothing in this section shall be construed to prohibit the Agency from communicating with Federal or State agencies at times and in manners not inconsistent with law or agency rules.

"(i) This section shall be enforceable in a court of the United States only upon petition of the Agency."

On page 13 on line 24, replace the semicolon with a comma and add immediately thereafter the following: "provided, however, no other Federal, state or local agency shall issue any order on behalf of the Agency to require the production of any books, papers, documents, records and other information or to summon witnesses."

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, is it very long?

Mr. FUQUA. About four pages, I believe.

Mr. ECKHARDT. Is there a copy available?

Mr. FUQUA. Yes.

Mr. ECKHARDT. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Thank you, Mr. Chairman.

I think the amendment is generally well known. It has been discussed previously on the floor today during general debate and been referred as to the Fuqua amendment or the "friend to the consumer amendment" or as the "amicus curiae" amendment.

Mr. Chairman, I do not think there is any question but that I am in support of this legislation. If you will look at the bill you will find that I am a cosponsor of it. However, I have some serious reservations about the intervention powers in section 204 of the bill.

Philosophically, what I think we are creating—and it does raise concern—is a Federal agency to go in and attack other Federal agencies.

Now, who created these existing agencies? They were created by the Congress. Whose responsibility is it to see that they carry out their functions as they should? In my opinion that responsibility belongs to the Congress.

I do not believe that we in the Congress ought to say we have so erred that we must create another agency to police all the others.

It is for this reason that I offer this amendment.

Certainly I believe that throughout the land we recognize that the interests of the consumer need to be protected. Every Federal agency should give more attention to the interests and welfare of consumers. I do not, however, believe we should create an agency empowered to interfere in the proceedings of other Federal agencies—and I do not know how many proceedings they could go into. I sent around to all of you a list of some 16 agencies. We studied these 16 agencies to try to find out what proceedings we felt the consumer advocate could intervene in as a formal participant. I find there are over 160 Federal agencies within the Federal Government. I do not know how the intervention and participatory powers in H.R. 10835 are going to affect these agencies. I do not know what the cost is going to be, and nobody in this room can give you this figure. We do not know what it will be.

A few years ago we have created the National Environmental Policy Act of 1970. I do not have to explain to you what this Act has done to many of our Federal projects. I cannot say, nor can anyone in the House say what the actual impact of that act has been, but in many instances government has been brought to a standstill. Yet we give the Consumer Protection Agency far more power than we gave to the environmentalists through the National Environmental Policy Act of 1970. Under that act private groups have been given the power to appeal Federal agency decisions if they feel there has been a violation of that act. Fortunately, however, we did not create another Federal agency to go in and formally represent and appeal special environmental interests as is proposed in H.R. 10835, although certainly I would not argue that the interests of consumers do not need to be given adequate consideration in Federal agency proceedings.

As I say, I do not know what the cost is going to be. I do not know how many people we will have to employ.

My major concern is that we not create an agency to go in and formally intervene in other agency's proceedings whether they be formal or informal, and thereby create internal fights within the Federal Government.

My approach certainly provides for representation of consumer interests. We give the consumer advocate as a matter of right the power to go into any agency proceeding, formal or informal, at any point in the proceeding, and present the interest of the consumer.

A lot has been said during the discussion about Mr. Ralph Nader. Mr. Ralph Nader has done a good job in representing the interests of the consumers, and he has not even had the clout my amendment would give the consumer advocate. I am convinced—and this came out in the extensive subcommittee hearings—that the spotlight of public scrutiny will bring to light wrongs being done where the interest of consumers is not being considered. With the spotlight on public opinion being focused on this, the inequities that have occurred can be effectively corrected.

In creating other agencies we have felt that the agency should crawl before it started to run. I believe after we create an agency we should give it a chance to operate and to find the pitfalls during a shakedown period. Then we can reanalyze the situation and make changes as appropriate. The Government Operations Committee, as Chairman HOLIFIELD said before the Committee on Rules many times, plans to watch this Consumer Protection Agency, and I commend the gentleman for that position. We will come back and analyze what the Agency is doing, and consider if it needs additional powers such as we have granted other agencies. This is what we did the other day with the EEOC. If additional powers are justified after a shakedown period, I am sure this Congress will grant that power to them.

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

(Mr. FUQUA asked and was given permission to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, people will say that my amendment takes the teeth out of the agency. It does not take the teeth out of the agency. The agency does, as a matter of right, have the opportunity to go in and present the views and the interests of consumers before all of the Federal agencies in all types of proceedings.

We do not get encumbered in law suits—whether the consumer advocate has the right to intervene or not. Many areas are not clear on this point and there is great ambiguity as to whether he may intervene or not.

Under the substitute amendment I have offered, the consumer advocate can go in as a matter of right and present the interest of the consumers. After the proceeding has been completed, he can also go back and review the testimony presented at that proceeding and make additional comments, if he feels there has been some interest of the consumer that has been overlooked.

I do not think that we, in this Congress, want to create a watchdog to go out and bite other agencies. I feel that good government and good commonsense tells you that if an agency is doing wrong, then the Congress had better tell them where they are going wrong and how they can correct the situation. But Congress should not create a consumer protection agency to go out and attack existing agencies.

Mr. HORTON. Mr. Chairman and members of the committee, I rise in opposition to the substitute amendment presented by the gentleman from Florida (Mr. FUQUA) and the amendment presented by the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. Chairman, these two amendments actually bring to a head what has occurred in the committee for the last couple of months.

I would like to point out to the members of the committee that the legislation that is before you now in the bill H.R. 10835, is a very carefully drafted piece of legislation which is designed to accomplish the purpose both of the sponsors of these amendments have referred to, namely, to give protection to the consumer.

That is the place from which we start. The question is how far do you want to go or how little do you want to give that agency in order to protect the consumer. What we have tried to do in the bill is to provide the Consumer Protection Agency with the authority and the tools to intervene effectively at proper stages without interrupting the flow of governmental action insofar as matters involving the consumers are concerned.

There are a lot of things I can talk about—the fact that we define consumer—it was not in the other bill—and the fact that we have given the definition here to consumer interest.

Another point, we have referred to the Administrative Procedures Act. The Administrative Procedures Act was adopted in 1946. It has some 25 years of legal foundation and experience behind it. So it is an acceptable framework to set up this new structure.

In the committee bill what we have tried to do is to give the tools to the Consumer Protection Agency so that it can intervene effectively at a proper stage. There has been a lot of misunderstanding about the proceedings. In the section referred to, in section 204, at the point where the agency can intervene, we have said that:

> The CPA as a matter of right may intervene as a party pursuant to the rules of practice and procedure of the Federal agency and enter an appearance for the purpose of representing the interests of consumers in any adjudicatory proceeding . . .

That has been interpreted by the spokesmen for the Moorhead amendment to mean that it is only in formal-type proceedings.

Now the definition is not so limited. It is a very wide definition, in the sense that it not only includes formal proceedings, but it also includes informal proceedings.

But we do not permit the Agency, the CPA, to intervene at early stages, that is when the host Agency is first involved with the matter under its scrutiny and has not determined the course of action it may wish to take. But we do permit the CPA to come in as an amicus curiae or to supply information under other procedures as a friend of the court at such stage. There they will have an opportunity to present their case. The host Agency has to reply; it will have to come back and say, if that be the case, "We have found against you," and then declare it. Then we provide that the CPA has the opportunity to bring this out into the public arena and make public what has happened.

So we feel we have very delicately proceeded to give this CPA tools and authority to do an effective job.

We also provide, whether they are a party or not a party, that they can appeal at the appropriate stage, but we do not provide an onerous type of appeal. We spell out the authority so as to limit it by law and according to what other parties would be able to do.

The amendment proposed by Mr. MOORHEAD would take the subpena-type of authority that we have provided, make it applicable at early stages of proceedings or in informal activities. This concerns us because we feel what will be created thereby will be a super-czar type of agency where the agency can come in at any stage of any type of agency action, and create havoc in the procedures of government.

We have tried to balance the interest of the consumer against the interest of the good flow of government action insofar as these matters are concerned.

The Fuqua substitute proposes an amicus curiae approach. It does not give any of the tools I have talked about. It eliminates all of section 204, and what it says is:

> All you can come in with is your paper, your position, put it on the table, and say, "This is the way we feel about it. We are sorry."

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. HORTON was allowed to proceed for 5 additional minutes.)

Mr. HORTON. So all the agency could do under the Fuqua amendment is to come in with those papers and say, "We take this position, but we do not have any authority to do anything about it, at any stage."

I personally feel, and I think the majority of the members of the committee and the subcommittee have felt that this approach does not give the CPA sufficient authority and sufficient tools to do the job that is necessary. So again I want to emphasize that what we have tried to do is to draw a very fine line between one extreme that is proposed here by the Nader-Moorhead-Rosenthal approach to authorize the czar-type of approach, and the other type of approach, the Fuqua approach, where the supporters of this amendment merely want to permit the CPA to come in and put its arguments on the table and hope the host agency will take into account the position that is taken by the Consumer Protection Agency. I think in the latter instance, that is, in the Fuqua-amicus-curiae approach, that there are no teeth, that there is no ability for the CPA to be effective or to protect the consumer's interest.

So I hope when the votes come that you will vote against the Fuqua substitute and that you will vote against the Moorhead amendment and vote for the bill as it is presented.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. I wish to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I regret I must oppose the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD) who, together with the other sponsors of the amendment, has a long and valuable record as a friend of consumers. I oppose their effort, however, because I believe they are mistaken.

A calculated effort has been made to portray our bill as weak and ineffectual. I strongly disagree. Those who contend it is weak have announced they will offer a single key amendment designed to transform a weak bill into a strong bill. This is that amendment.

A careful examination of the proposed amendment will, I suggest, reveal how groundless are the contentions that the committee-reported bill is inadequate. The amendment, it is claimed, would clarify section 204(A)(2) in order to assure participation by the Consumer Protection Agency in proceedings which affect the consumer interest despite language excluding the Agency from participating in adjudications "seeking primarily to impose a fine, penalty, or forfeiture."

I am convinced, Mr. Chairman, the proposed amendment would not serve its stated purpose or any other constructive purpose. Experts in the administrative process rightly maintain that the term "fine, penalty, or forfeiture" encompasses only a small proportion of adjudications and that these seldom involve consumer interests. Moreover, I believe the committee has made it clear that in using this language, including the word "primarily," we intend that it be interpreted strictly so as not to exclude the Agency from proceedings affecting consumers and to apply only to situations where the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

Since proponents of the amendment express these same specific objectives, I see nothing their amendment would add to this section of the bill. On the other hand, it could detract, since it closely resembles a weakening amendment defeated by the committee and thus could confuse interpretation of the section.

The other purpose of the amendment, as stated by its authors, is to give the Consumer Protection Agency "some limited type of oversight" in the area of informal rulemaking and adjudicatory proceedings and in instances where other

agencies fail to institute formal proceedings.

Again, Mr. Chairman, I contend that the committee bill already provides for this authority and that the amendment would add nothing to the powers of the proposed new Agency. For example, the Agency, under our bill, already may undertake reviews and investigations; it already may require information from Federal agencies; and it already may submit funding and recommendations to the Congress—whether or not the other Federal agencies follow its advice.

On both counts, therefore, the proposed amendment would be duplicative and thus unnecessary. Consequently, the only conclusion one can draw is the obvious one that the committee bill is already an effective instrument for representing the interests of consumers whenever or wherever decisions are made or policies established which are important to consumers. This is the objective of the sponsors of the amendment and this is the objective of the committee bill.

Similarly, Mr. Chairman, I rise in opposition to the Fuqua amendment.

It is all very well to talk about reason and fairness and moderation when it comes to protecting the operations of government and business. But it is high time that we consider the needs and interests of consumers in a fair and reasonable and equitable manner.

In order for the CPA to act effectively as the voice of consumers, it must have the ability to be heard. This can only occur if we give it strength. Authorizing the CPA to intervene as a party with the right to cross-examine, call witnesses, have information obtained for it, and appeal to the courts will provide this strength. Merely permitting the CPA to appear as a witness—perhaps I should say as a supplicant—is not enough.

To adopt the Fuqua amendment will undermine the CPA's authority. It will weaken the bill. Therefore, I must vote against this amendment.

Do not be misled by the siren calls of woe over the dangers of this power of the CPA to intervene.

The President's bill of last Congress conferred intervention authority upon the Justice Department at least as strong as we have in this bill.

The Erlenborn-Brown bill of this Congress, H.R. 3809, which the President at one time supported, conferred equally strong intervention authority upon the Federal Trade Commission.

The administration now supports the bill before you which includes intervention. The White House recognizes that only through intervention can the voice of consumers be heard.

We do not create a superagency by granting this intervention authority to the CPA, however.

First, the CPA shall only have the rights of every other party to a proceeding. Is it so unfair and unreasonable to give the consumers an equal right to be heard?

Second, the right to intervene must be done in conformity with rules of the agencies and the laws of the Nation. If, after observing the CPA in action, the Congress believes the CPA is exercising too great authority or misusing its authority, all it has to do is to amend the law. And, if Federal agencies believe the CPA is undermining the administrative process, all it has to do is to amend its rules and regulations.

I should further stress in line with point two that the ultimate decision rests with the Federal agencies and courts—not the CPA or any other party.

Third, we have incorporated many safeguards within the bill to protect all interested parties to a proceeding, including restrictions on the release of confidential information, the extent of subpena power, the dissemination of product-name data, the imposition of fines and penalties, the handling of complaints, and the testing of products.

Finally, to those who may argue that granting the CPA the right to intervene will further delay administrative proceedings which are already long and arduous let me remind the Members that existing delays are in no way the fault of consumers. Most delays are the fault of the parties to the proceedings themselves. If we are serious about building consumer protection into administrative proceedings, then we may except some little additional time to be expended. But, I feel confident that additional delay—if any—caused by the CPA's power to intervene will be minimal.

Mr. MONAGAN. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I wish to speak in opposition to the substitute that has been offered. The statement was made by the gentleman from Florida who offered it that we do not want a watchdog to bite our Government agencies. I suggest that we do want a watchdog. I believe that is the prime consideration here.

It is suggested that the proper way to act in this problem would be to talk to the agencies and tell them what they are doing wrong. In my judgment this is not sufficient. I believe that the inadequacy of the gentleman's substitute is that it does not put some element of compulsion into this relationship. We have seen over the years people telling these agencies that they were not doing enough, that they were doing wrong, or that they were failing to take necessary action, and we have had example after example of inadequate performance and failure to follow the proper course for the protection of the consumers of this country.

Either the bill itself or the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD), I believe are preferable to the substitute amendment offered by the gentleman from Florida (Mr. FUQUA). His amendment involves "request," it involves the "notification of the agency," and it involves the "presentation of information." But the bill and the Moorhead amendment provide actual intervention, provide participation, provide for the entering of an appearance. In other words, they provide for some specific and definite participation in the deliberations and in the decisions of the agencies that are involved.

All of us are interested, of course, in reaching a legislative solution to this problem. The differences are really only in what the method should be. Each proposal represents a new and greater participation in or review of the operations of these agencies that are concerned with the consumer.

I join the others who have complimented our chairman, the gentleman from California (Mr. HOLIFIELD) for the work he has done in bringing this bill to the floor, and I deplore the character and type of attacks that have been made upon him in connection with this preparation of this bill.

Mr. Chairman, it is clear that instant substitute represents a softening of the provisions that are in the committee bill. I do not believe we want a softening. I believe that we want a strengthening of the rights of the consumer that would not be achieved by the substitute. I hope the substitute will be voted down.

Mr. HOLIFIELD. Mr. Chairman, I seek to arrive at a conclusion of the debate on the Fuqua amendment. As most of the Members know, there is an affair tonight for the Democrat Members of Congress downtown where we are the guests. If we could agree to vote on the Fuqua substitute, say, by 5 o'clock, we could rise and the leadership could close up the work of today by approximately 5:30 and still make the engagement.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, would this preclude debate on the Moorhead amendment at the beginning of business tomorrow?

Mr. HOLIFIELD. No, it would not. If the Fuqua amendment is disposed of today, the first order of business would be the Moorhead amendment tomorrow, provided the Fuqua amendment is completed today.

Mr. ST GERMAIN. With the debate thereon?

Mr. HOLIFIELD. With the debate thereon.

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). Is the gentleman from California making a unanimous-consent request that all debate on the Fuqua substitute amendment end at 5 o'clock?

Mr. HOLIFIELD. I so make that request, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. KYL. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HOLIFIELD. Mr. Chairman, I make the same request, but for 5:15 p.m.

The CHAIRMAN. I there objection to the request of the gentleman from California?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, I understand it is the request of the gentleman for unanimous consent that all debate on the Fuqua amendment close at 5:15 p.m. Is that correct?

Mr. HOLIFIELD. That is right.

Mr. ERLENBORN. For my own part, I believe debate should be limited on both at the same time. If the gentleman would amend his request to encompass both the Moorhead amendment and the Fuqua amendment I would not be constrained to object.

Mr. HOLIFIELD. I would not do that, because the Moorhead amendment is a principal amendment, as the gentleman knows, as is the Fuqua amendment. So far as this Member is concerned, they must be treated with fairness.

We are caught in a situation. If we cannot arrive at an agreement I will move that the committee rise at 5:15.

Mr. ERLENBORN. Under those circumstances, Mr. Chairman, I would be constrained to object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. REID of New York. Might I inquire of the gentleman, the understanding at the present time is——

Mr. HOLIFIELD. There is no understanding.

Mr. REID of New York. There would be no limitation of debate on the Moorhead amendment?

Mr. HOLIFIELD. I was trying to get an agreement. I did not get an agreement. I will let tomorrow take care of itself. The will of the House will prevail.

Mr. Chairman, I seek recognition on the Fuqua amendment.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. HOLIFIELD. I thank the Chair for recognizing me.

I feel somewhat like the man who said, "Comes the revolution, they will stand me beside a cellophane wall and shoot at me from both sides."

I am being shot at from one side by the Fuqua adherents and from the other side by the Nader-Rosenthal-Moorhead adherents.

I will address my remarks at this time to the Fuqua amendment.

First I want to say I have the highest regard for my committee colleague and friend, the gentleman from Florida (Mr. FUQUA), but I must oppose his amendment—and I shall oppose the Moorhead amendment, too—because it would seriously weaken this bill and completely unbalance its carefully worked out structure. I am referring essentially to the amicus curiae proposal. Some of Mr. FUQUA's amendments taken by themselves would not be objectionable, but they are part of a package, and this package cannot be accepted by those who want a Consumer Protection Agency to do an effective job.

As I stated in my opening remarks yesterday, although I did not mention the gentleman by name, the amicus curiae amendment would, in effect, cause the Agency Administrator to have one hand tied behind his back, and with his hat in the other hand, to come before agencies to plead the consumer's cause. He would not be a party to any proceeding—rule making, adjudicatory, or court. He would not be able to cross-examine witnesses, call for books and records, and appeal adverse decisions, as any part to a proceeding is entitled to do under the Administrative Procedure Act, and which the Consumer Protection Agency would be entitled to do in the committee-approved bill.

I want to repeat that. He would not be allowed to have the usual privileges of a party to a proceeding under the Administrative Procedure Act.

We have an amicus curiae role provided in H.R. 10835, but it is a supplementary role. It is designed to insure that the Consumer Protection Agency would have access to Federal agency and court proceedings in those cases where otherwise it might be barred or had decided not to become a party to the proceeding.

In substance, what the amendment would do is to eliminate the central provision in the bill, the provision which permits the new consumer agency to intervene as a party in Federal agency proceedings where consumer interests are substantially affected and where it is shown that consumer interests are not otherwise adequately represented. The bill, as reported by our committee, confers this right of intervention on the Consumer Protection Agency. It only gives the Consumer Protection Agency the same appeal rights that the Administrative Procedure Act and other laws now give to citizens, corporations and other non-Federal parties.

The amicus curiae amendment was fully debated in the subcommittee and was defeated 8 to 4. It again was defeated in the full committee by a vote of 26 to 8. So this is an amendment that has been well considered. We feel that it should be defeated by the House Members if we are to have an effective consumer advocate.

Supporters of this amendment claim that it should be adopted for the purpose of giving the agency, and we quote,

A realistic chance to achieve immediate results.

The amendment would, in fact, do exactly the opposite. Instead of giving the new agency adequate tools to achieve results, it would remove the most effective tool at the agency's disposal—giving it no more power than a public interest group appearing as amicus curiae would have—the power to submit an argument in an administrative proceeding, with the hope that the agency will take it into consideration before deciding the issue.

The amendment would seriously weaken the very carefully safeguarded right of intervention granted in H.R. 10835. It would make the consumer agency come, hat in hand, to plead the consumer's cause without the rights a party would have to obtain judicial review, or cross-examine witnesses, or to have discovery privileges which are now accorded to other parties in Federal administrative proceedings.

This amendment would leave an agency created to represent all American consumers in no better position—and in some cases in a worse position—than public interest groups who now intervene in agency proceedings under existing law.

The letter circulated by our colleague, Mr. FUQUA, contains a chart listing over 91 different categories of proceedings in 16 different agencies which could conceivably give rise to consumer interests, and thus, be participated in by the Consumer Protection Agency.

This chart, if anything, demonstrates the need for a strong, central, and independent agency which can monitor these far-flung Federal activities which affect consumers. Our committee found that Federal agencies are not adequately protecting consumer interests. Agencies lack adequate information about the impact of their decisions on consumers. Remember, many of these agencies work in a very small field and they do not know what is happening in other agencies.

Most serious, we found that relationships between those doing the regulating and those subject to regulation have become too close, leaving open to serious question the fairness and objectivity of many agency decisions where consumer interests are involved.

It must not be forgotten that consumer interests are the common interests in fairness, safety, and value of all 207 million Americans.

To merely permit the Consumer Protection Agency to come before a Federal proceeding as an interested observer to voice his sentiments without the ability to participate fully or to challenge harmful decisions would be to weaken the new agency, defraud the consumer and jeopardize even further public confidence in Government.

For these reasons, we urge you to join us in opposing the Fuqua or amicus curiae amendment on the floor today. We hope that Members who consider themselves true friends of the consumer will vote against the amicus curiae amendment.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, wish to first begin by commending the chairman of the full committee for his fairness and his diligence in bringing this legislation to the floor of the House. As he stated on previous occasions during the markup sessions of the subcommittee and the full committee, his primary objective was to bring to the floor successfully a piece of legislation that would be acceptable to the members of the Rules Committee. The very fact that we are here this afternoon and were here yesterday debating the bill proves that he met with success in this aim.

However, there are those of us like myself who voted "present" at the time we reported the bill from the committee, and who, nonetheless still feel that the legislation is by no means strong enough to do the job that it must do.

Now, as to the substitute amendment which has been offered by the gentleman from Florida (Mr. FUQUA), I do not wish to talk about any czars. It is my opinion that we can stay away from anything like that. But the fact of the matter is that it is nothing, more or less, than allowing the agency to go in as amicus curiae, sit there with its hands folded and its lips sealed, and that is the end of it. For too many years now there has been an empty seat for this consumer

in each and everyone of these proceedings. On the one hand you have the agency sitting in an adjudicatory capacity and out front you have the band of lawyers, the scientists, experts and the statisticians. However, in the other seat, marked "consumer," there is no one. Over the years who has been sitting there to represent the consumer? I commend to you an article which appeared in the last issue of the Washingtonian magazine, that discusses one of the high-powered super law firms and they call it Covington or something or other—they call it "C&B". The disdain, the utter disdain with which the members of this firm look upon the regulatory agencies is apparent. This firm as a matter of fact has kept the Geritol case going for 10 years and I am sure has been able to do so through slick legalistic maneuvering.

You know that the Supreme Court of the United States finally declared that every criminal has a right to be represented. All we are asking here is that every consumer have a right to be represented. If we are to pay a legal firm for representing a criminal or an individual charged with a criminal act, why can we not provide to the consumer, representation before these agencies?

In all of the years that all of us here today have been in the Congress, there has never been as important an issue as this particular piece of legislation now pending before us today.

The fact of the matter is that this bill is not designed for any minority group, it is not designed for any economic level group. It is designed for each and every American—your wife, your husband, your children, and your grandchildren, who are all consumers.

Mr. Chairman, I oppose the Fuqua amendment because of the obvious reason that it is a "paper tiger."

I supported and am a cosponsor of the Moorhead amendment because it will do for the consumer that which has to be done. It will give the tiger some teeth. Why should General Motors and General Electric and American Motors and Squibb and all the others, Bristol-Myers, fear this legislation. Why has business lobbied so strongly against it? One reason is that they have had their way over the years, and they do not want change. If they stand behind the product they sell, if they feel their advertising is legitimate and tells the true story, what fears should they have over a consumer protection agency? The giant firms should be happy about it. This would keep out the small and unethical firms. If they are ethical, if they are doing the job, they should agree to this.

In closing, I say remember that you represent the consumers. You are not elected by General Electric, American Motors, or General Motors, or Squibb.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fuqua substitute amendment.

Mr. Chairman, the gentleman immediately preceding me has referred to an empty chair. I am concerned about some empty chairs in this Chamber today, not those of Members who are absent, but of important voices in this Government who are not fully represented here.

You have heard the clamor from those who are concerned that this bill is not strong enough. I would say that the chairman and the members of the subcommittee are to be commended for reporting a bill that is as good as it is. But I would say in the opinion of many people in various agencies of this Government that this bill in one respect is too strong, and that is in that we are saying to agencies and departments with which we have entrusted important aspects of the public interest, we are saying if we pass the Moorhead amendment, if we turn down the Fuqua amendment, we are issuing a vote of no confidence in you to protect the public interest in your bailiwick. We are saying to the committees of this Congress we are casting a vote of no confidence in your ability to protect the public interest, and the consumer interest in those areas where your committee has jurisdiction.

We are, in fact, giving to a specific agency of Government which is charged with stewardship for one aspect of the public interest which, we will call the consumer interest, the power to take other agencies into court to seek to overturn decisions made by agencies with great expertise and experience in protecting various aspects of the public interest.

It would seem to me that this Congress needs to look carefully at what we would do today. With the crowded court dockets, if we would transfer to the Federal judiciary the ultimate decision through a challenge from the Government for decisions of the FPC, the FCC, and all the other departments and agencies, then I say that we will be creating chaos in this Government.

Again I say that with the crowded present dockets of the Federal judiciary we may find that the Government is in a hopeless bottleneck in reaching decisions on vital matters of public interest because of either passage of the Moorhead amendment or the turning down of the Fuqua substitute amendment.

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

Mr. BUCHANAN. I yield to the gentleman from Ohio (Mr. Bow), the distinguished ranking member on the Committee on Appropriations.

Mr. BOW. Mr. Chairman, I appreciate the gentleman from Alabama yielding to me, and I would say to my colleague, the gentleman in the well, that in the early consideration of this bill he brought the matter to my attention in seeking and trying to find from the appropriation end what effect this bill might have. I did do that, and I received a number of replies from agencies. My concern, and the reason I am supporting the substitute amendment, is the great cost that would be involved in some of these proceedings that seem to be unnecessary. The departments that will be affected are rather amazing, and I have excerpts of these in my hand, but I will not read all of them, but as an example here is the Department of Agriculture, Consumer Marketing Service, Food Nutrition Service, Department of Health, Education, and Welfare, a whole list of the agencies that will be affected by such intervention.

Also in the field of education, there are a number of educational programs that we have in which they can intervene and which will slow down the proceedings and will be very costly to the consumers.

The Department of the Interior is involved in this. The Maritime Commission and the Atomic Energy Commission is involved in this. Surprisingly enough, there will be interventions in that.

If Members are interested, I would be very glad to supply some of these overnight, some of these replies that I have received from agencies. It is very important, it seems to me, that we give careful consideration as to what we are doing.

I believe the substitute amendment offered by the gentleman from Florida is a good substitute and should be adopted, and I will support it because of the replies I have received from these agencies which I requested, with the gentleman now in the well.

Mr. BUCHANAN. Mr. Chairman, I thank the gentleman for his remarks.

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

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

Mr. HORTON. Mr. Chairman, I want to ask the date of those letters because, as I understood it, the information that the gentleman from Ohio, the ranking member of the Committee on Appropriations, read—those letters were letters in reply to an earlier version of the bill that was before the committee.

The question I am asking is: When were these letters obtained?

Mr. BUCHANAN. I have analyzed these and can submit them when I obtain permission. They will be put in the RECORD. The letters that do not apply will be eliminated. If the gentleman from Ohio will be good enough, I think we can probably supply only those responses that would now be pertinent to the present legislation—but not those whose applicability has changed with the changes which have, in fact, been made by amendments to the original legislation.

The letters from Federal agencies—and I speak here only of those portions of the letters which refer to intervention or participation by the Consumer Protection Agency—may be quickly divided into two groups. The first group contains descriptions of those Federal agency proceedings that would appear to be subject to attack by the CPA under the present bill. In this group are the following agencies:

Atomic Energy Commission.
Civil Aeronautics Board.
Department of Agriculture.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Federal Communications Commission.
Federal Maritime Commission.
Interstate Commerce Commission.

This second group contains descriptions of proceedings which may or may not be subject to attack, depending upon

your interpretation of the bill as interpreted in the committee report. In light of the exceedingly liberal interpretation given to section 204 on page 10 of the committee report, we must assume that the intent of the committee is to make intervention or participation applicable to any proceeding that is affected by any provision falling within chapter 5, title V of the United States Code. If this is the case, the courts would probably hold that the following proceedings are subject to CPA attack. But neither I, nor anyone else at this point, can be sure that they are or are not intended to be, or actually are, covered by the present section 204 (a). In this doubtful group are the proceedings of the following agencies:

Department of Defense.
Department of Labor.
Federal Mediation and Conciliation Board.
Tariff Commission.

The entire correspondence follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 28, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in reply to your letter of April 14, 1971, requesting certain information relative to the administration of H.R. 14 which is now pending before the Government Operations Committee.

H.R. 14, which would establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency, is currently being reviewed in the Executive Branch. As soon as this review is completed, a report will be sent to the Committee on Government Operations on the bill's relationship to the President's program. As you know, the administration opposes the creation of a new separate agency and prefers the provisions of H.R. 3809 to those of H.R. 14.

Our comments relative to hearings, proceedings and other activities this Department conducts which might affect the interests of consumers are outlined in the attached statement. We hope this information will be beneficial to you in your study of H.R. 14 and related bills. If we may be of additional assistance, please let us know.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

STATEMENT BY USDA ON HEARINGS, PROCEEDINGS AND OTHER ACTIVITIES AFFECTING CONSUMER INTEREST

The Consumer and Marketing Service is involved in hundreds of proceedings (hearings, investigations, and formal and informal rulemaking proceedings) each year in connection with its regulatory and service programs. Programs which have consumer impact include (1) establishing minimum prices under milk marketing orders; (2) regulation of size, quality, quantity and other conditions of sale under marketing orders for other commodities and, for specified commodities, grade, size, quality and maturity requirements on imports if the domestic commodity is regulated; (3) regulation of the inspection of meat, egg products, and poultry products to determine whether the products are wholesome and otherwise not adulterated and properly labeled; (4) establishment of voluntary grade and quality standards for all principal agricultural commodities; (5) representation in agricultural transportation rate and service cases; and (6) enforcement of fair trading practices under statutes involving perishable agricultural commodities (Perishable Agricultural Commodities Act), seed (Federal Seed Act), warehousing (U.S. Warehouse Act), and members of cooperatives (Agricultural Fair Practices Act).

Food and Nutrition Service activities affect the interests of consumers who are primarily families in economic need and children. Federal regulations are currently in effect for the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Nonfood Assistance (Food Service Equipment) Program, the Special Food Service Program for Children, the Commodity Distribution Program, and the Food Stamp Program. Under current policy in FNS, significant changes in program regulations are issued in proposed form for public comment prior to their issuance in final form. In recent years, class actions have brought in Federal courts by program participants and other challenging various program provisions and policies with respect to several of these food programs.

The Agricultural Research Service conducts the licensing, testing, and inspection of veterinary biologics as a protection of consumer interests. Labels are reviewed to make certain adequate information is furnished the consumer and assure that labeling is not false and misleading. Inspection and testing of products and licensed establishments are conducted to assure the consumer of a safe and effective product. Regulatory actions are taken when violations occur. Hearings are held to bring about compliance or to suspend or revoke a license. Criminal proceedings are invoked if an unlicensed manufacturer moves his product in interstate commerce.

In the activities of the *Packers and Stockyards Administration,* consumer interests arise in the agency's surveys of advertising and other representations made by meat packers to assure that they are not false or misleading to consumers. The agency protects the consumer by providing expertise to evaluate claims of quality, nutritional benefits, and grade and origin of livestock, meats and meat products. False advertising, including bait-and-switch advertising or other misrepresentation of grade or quality of meats and meat products, may result in investigation of such practices, issuance of complaint and administrative hearings. In the event of a finding adverse to the meat packer, an administrative cease and desist order is issued. Violation of this order may result in criminal proceedings against the violator.

The Commodity Exchange Authority, which regulates future trading in specified commodities protects consumer interest in two ways: first, by protecting the market and, second, by protecting individual traders in the market. By suppressing price manipulation and excessive speculation, the Agency seeks to make certain that market prices are true reflections of supply and demand conditions. This enables producers, merchandisers and processors to use the futures market for hedging operations. Such hedging operations reduce marketing costs and, thus, resulting in lower prices to consumers. The Agency protects individual traders by setting minimum financial standards for brokerage firms, requiring trust-fund treatment of customers' funds and protecting against fraud and deceit or illegal trading practices on the commodity futures markets. In the course of its activities, the Agency is involved in numerous disciplinary and rulemaking proceedings in which provision for public hearings is provided.

Most of the hearings and cases in which the *Forest Service* is involved have only indirect consumer impact. Such actions are usually for the purpose of preventing the Forest Service from making products and services available to consumers to the detriment of National Forest System amenities such as scenic beauty and solitude.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., July 21, 1971.

Hon. FRANK T. BOW,
House of Representatives.

DEAR MR. BOW: I am pleased to reply to your letter of June 21, 1971, concerning H.R. 14, the "Consumer Protection Act of 1971." As we understand the bill, it would authorize the consumer agency to intervene to represent consumer interests in any Federal agency investigation, hearing, or other proceeding, other than a proceeding solely for the purpose of imposing a fine or other penalty for violation of a Federal statute or any rule, order or decree promulgated thereunder, upon a determination by the consumer agency that (1) the proceeding may result in substantially affecting consumers' interests and (2) the consumers' interests may not be adequately protected without such intervention. The proposed legislation would also permit the consumer agency, as to proceedings in which it had intervened to represent the consumers' interests, to assert the interests of consumers in any Federal court proceeding to review the action of the Federal agency, and to institute such review proceeding when right of judicial review is otherwise accorded by statute.

You specifically asked for a descriptive listing of all AEC investigations, hearings, or other proceedings of the AEC which a consumer advocate might consider as resulting in affecting consumers' interests. We have tried to interpret the term "consumers' interests" broadly and, therefore, as including other than economic interests. However, in so doing, we have some difficulty in distinguishing "consumers' interests" from those of the general public.

The AEC is assigned responsibility under the Atomic Energy Act of 1954 for the licensing and regulation of the use of certain radioactive materials—source material, byproduct material and special nuclear material (sections 53, 63, 81), licensing and regulation of production and utilization facilities, including power reactors (sections 103, 104), and licensing of facility operators (section 107). The Commission's substantive regulatory jurisdiction over these matters under the Atomic Energy Act of 1954 is limited essentially to matters of radiological health and safety and the common defense and security. However, in the case of power reactors, the Atomic Energy Act also assigned to the AEC certain responsibilities with respect to the impact of the licensed activity vis-a-vis the antitrust laws (section 105). The AEC has no authority to set or approve rates for power produced from licensed power reactors, although AEC is required to give notice in writing to any regulatory agency having jurisdiction over the rates and services incident to the operation of a power reactor before issuing a license (section 182 c.).

The National Environmental Policy Act of 1969 added to the Commission's responsibilities that of considering the *environmental* impact of its major actions affecting the quality of the human environment, such as power reactor licensing. The Water Quality Improvement Act of 1970 gave the AEC additional specific responsibilities with respect to the water quality aspects of proposed licensed activities involving discharges into navigable waters.

The Atomic Energy Act also gives the AEC authority to determine reasonable royalty fees, under sections 153 a. and 153 e. of the Act, for privately-owned patents affected with the public interest because (1) the invention is of primary importance in the production or utilization of special nuclear material or atomic energy and (2) the licensing of the invention is of primary importance to effectuate the policies and purpose of the Act.

AEC proceedings which are probably of the greatest interest to the consumers are those for the issuance of licenses to construct and

operate power and test reactors (the larger nuclear reactors). Under section 189 of the Atomic Energy Act, proceedings for the issuance of such licenses are subject to a mandatory public hearing at the construction permit stage, even if no one has requested such a hearing. Any person whose interest may be affected may become a party to such licensing proceeding. In addition, such a person may request a hearing and be admitted as a party in any other facility or materials licensing proceeding. Few requests for hearings have been made in the latter categories of licensing proceedings.

Within the context of the above description of AEC's statutory responsibilities, the following AEC proceedings could be considered as having an effect on "consumers' interests" as broadly interpreted to include "public health and safety interests" and "environmental interests" as well as economic interests:

1. Proceedings, including hearings, for the issuance of construction permits or operating licenses for nuclear power reactors, testing reactors, research reactors, and fuel reprocessing plants.

2. Proceedings, including hearings, where appropriate, for the issuance of licenses for possession and use of special nuclear material, source material, and byproduct material. This category would include licenses for the disposal of waste radioactive material, the licensed operation of radioactive waste burial grounds, some licenses to manufacture products containing radioactive material, and some licenses for shipment of such radioactive material.

3. Proceedings for the issuance or amendment of regulations pertaining to the issuance of licenses, or the conduct of licensed activities, included in categories 1 and 2 above.

4. Proceedings for the determination of reasonable royalty fees for patents affected by a public interest, including hearings when requested.

Other Commission activities, including the conduct of Plowshare experiments and the operation of waste repositories, such as that contemplated in Kansas, are not the subject of formal investigations or hearings, since they are conducted by the Commission in its proprietary capacity. Accordingly, there would be no formalized administrative mechanism for the representation of "consumers' interests" in the planning for and execution of these AEC functions. If you should wish the AEC to expand on the description of any of the categories of proceedings listed above, I shall be happy to submit such expanded descriptions.

Cordially,

GLENN SCALES,
Chairman.

CIVIL AERONAUTICS BOARD,
Washington, D.C., April 23, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in reply to your letter of April 14, 1971, enclosing a copy of H.R. 14, which is to be the subject of hearings scheduled to commence on April 27. The bill, among other things, creates a Consumer Protection Agency as an independent agency within the executive branch. The Agency would be authorized to intervene in Board proceedings on behalf of consumers where it finds that such proceedings may substantially affect the interests of consumers.

You express the view that the Congress should assess the impact of the intervention and appeal powers on Federal agencies before developing a position on the bill, and state that you are concerned as to how the bill would affect the Board's ability to carry out its responsibilities. You request a listing of Board hearings, investigations or other proceedings which may result in substantially affecting the "interests" of consumers.

The Federal Aviation Act imposes the duty upon the Board to regulate the air transportation system in the overall public interest, and many of its regulations and actions are specifically concerned with individual consumer interests. As is apparent from the enclosed copy of the Board's current "Calendar of Prehearing Conferences, Hearings and Arguments," the interests of consumers would be directly or indirectly affected by virtually all of such proceedings. Under the Board's regulations, consumers or their representatives may, where appropriate, intervene in these proceedings or challenge the Board's action therein in the courts.

In reporting on prior legislation containing provisions similar to those contained in H.R. 14, the Board has taken the position that although it would be affected by the enactment of legislation which would add persons or agencies to those authorized to participate on behalf of consumers in Board proceedings, it did not object to this. In this connection, the Board has been requested by the Committee on Government Operations to submit its views on H.R. 14, and the related bills which will be the subject of the hearings. A report on these bills is being prepared which will comment in detail on the effect of the bills' provisions on the Board's responsibilities.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

SAM D. BROWN,
Chairman.

CIVIL AERONAUTICS BOARD—CALENDAR OF PREHEARING CONFERENCE, HEARINGS, AND ARGUMENTS

Docket	Case	Examiner	Date	Room
23268	Iberia Air Lines of Spain	Present	Apr. 19, 1971	503
9977	Mutual Aid Pact	do	Apr. 20, 1971	805
21474	Investigation of Premium Rates for Live Animals and Birds.	Sornson	Apr. 27, 1971	911
23062	Air Congo—Foreign Air Carrier Permit	Keith	May 10, 1971	503
19078	Northeast Corridor VTOL Investigation	Dapper	May 11, 1971	726
22387	Air Express Rates Investigation	Shapiro	(1)	
23268	Iberia Air Lines of Spain	Present	Apr. 19, 1971	503
23045	Air Nauru	Park	Apr. 20, 1971	503
22871	Latin American Routes Stopover Authority Investigation.	Schneider	do	911
13896	Empresa Guatemalteca de Aviacion (AVIA-	Faulk	Apr. 23, 1971	805
13157	TECA).			
22374	Piedmont Aviation, Inc.—Deletion of Elizabeth City, N.C.	Dapper	Apr. 28, 1971	805
22307	American Flyers Airline Corp., Charter Consultants, Inc., Fred Meyrow, et al.	Cusick	May 3, 1971	805
22301	Piedmont Aviation, Inc.—Deletion of Southern Pines/Pinehurst/Aberdeen, N.C.	Dapper	May 4, 1971	911
22956	Chicago-Acapulco Nonstop Service Investigation.	Park	May 5, 1971	805
23041	Cayman Airways, Ltd	Murphy	May 6, 1971	
23062	Air Congo—Foreign Air Carrier Permit	Keith	May 10, 1971	503
22508	Mainland-Ponce Service Investigation	Goldberg	May 11, 1971	(2)
21790	Western Alaska Airlines, Inc., and Alaska Aircraft Leasing Co., Inc.	Sornson	May 20, 1971	
23040	Tampa-Mexico City Nonstop Service Investigation.	Hartsock	May 25, 1971	
22916	American-Western Merger Case	Madden	June 8, 1961	
11866-9	Domestic Passenger Fare Investigation	Johnson	June 15, 1971	
23072	Luftverkehrsunternehmen Atlantis A.G.	Fitzmaurice	June 22, 1971	
22388	Express Service Investigation	Keith	July 6, 1971	
20522	IATA North Atlantic Cargo Rates	Cusick	July 27, 1971	
17665	Reopened Washington/Baltimore Helicopter Service Investigation	Cusick	Aug. 16, 1971	
20472	Mohawk Segments 8 and 9 Renewal Case		Apr. 21, 1971	1027
20826	Alaska Service Investigation		Apr. 28, 1971	1027
21288	Airlift-Canadian Airlift Agreement		May 5, 1971	1027

[1] Recessed.

[2] Ponce, P.R.

CIVIL AERONAUTICS BOARD,
Washington, D.C., May 6, 1971.

Hon. CHET HOLIFIELD,
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letters requesting the Board's views on H.R. 14, H.R. 254, H.R. 1015, and H.R. 3809 which would create various Government organizations for the promotion and protection of consumer interests.

H.R. 14 would establish an Office of Consumer Affairs within the Executive Office of the President. In addition, a Consumer Protection Agency would be created as an independent agency within the executive branch. Also, a Presidentially appointed Consumer Advisory Council would be established for the purpose of advising the Office and the Agency. Like H.R. 14, H.R. 3809 would establish an Office of Consumer Affairs in the Executive Office of the President. However, unlike such bill, H.R. 3809 would establish a Bureau of Consumer Protection in the Federal Trade Commission (rather than an independent Consumer Protection Agency), and would not provide for the creation of an Advisory Council. In contrast, both H.R. 254 and H.R. 1015 would establish a new Department of the executive branch of the Government to be known as the Department of Consumer Affairs. H.R. 1015 differs principally from H.R. 254 in that among the functions, powers and duties which would be transferred to the Department would be those under title I (Truth-in-Lending) of the Consumer Credit Protection Act. In the promotion and protection of consumer interests, the Consumer Protection Agency, the Bureau of Consumer Protection and the Department of Consumer Affairs would be authorized, among other things, to intervene in Board proceedings and to challenge Board orders in the courts on behalf of consumers.

The Board has previously submitted reports to your Committee on "consumer protection" bills (H.R. 6037 and H.R. 14758) in 1969 and 1970 containing provisions essentially similar to those in the current bills. As we there noted, the Federal Aviation Act imposes the duty on the Board to regulate the air transportation system in the overall public interest, and many of the Board's regulations and actions are specifically concerned with the individual consumer interests. Furthermore, where appropriate, the Act and the Board's regulations permit consumers or persons representing them to invoke the Board's processes, to intervene in Board proceedings, or to challenge the Board's action in the courts. Although the effect of the provisions of the bills could be to add other parties to those persons authorized to participate on behalf of consumers in Board proceedings, the Board does not object to these provisions.

On the contrary, the Board considers appropriate representation of broad consumer interests to be an important factor in facilitating the exercise of its responsibilities to promote the public interest. Thus, last Oc-

tober we appointed an Air Transportation Industry-Consumer Affairs Advisory Group. This Group of representatives of consumer interests advises the Board with respect to matters, other than those pending before the Board, affecting the interest of consumers in the performance of air transportation. In addition, last December the Board created a Consumer Affairs Office within its internal staff organization. Creation of this Office is designed to insure better handling of communications from air transportation users, and should contribute materially to improved service to the public. The Board continues, nevertheless, to defer to the views of other agencies more directly concerned with the representation of consumer interests as to whether the proposed new agencies constitute the best means for facilitating representation of consumer interests.

The Board opposes, however, the proposed transfer by H.R. 1015 of its functions, powers and duties under the Truth-in-Lending Act to the Department proposed to be established. The Board is presently vested with responsibility for enforcement of the provisions of the Truth-in-Lending Act (82 Stat. 146) with respect to air carriers and foreign air carriers subject to the Federal Aviation Act of 1958. As the Board pointed out in its report on a bill (H.R. 6037) containing similar provisions, primary responsibility for the practices and procedures of air carriers and foreign air carriers subject to the Federal Aviation Act rests in the Board, and a violation by such carriers of the requirements of the Truth-in-Lending provisions would also constitute an "unfair or deceptive practice" within the meaning of section 411 of the Federal Aviation Act.

The Board has been advised by the Office of Management and Budget that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WHITNEY GILLILLAND,
Acting Chairman.

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., August 13, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in reply to your letter of 3 August 1971 requesting a descriptive listing of all hearings, investigations or other proceedings of the Department of Defense which could be construed as substantially affecting the interests of consumers so as to justify intervention by the proposed Consumer Protection Agency under H.R. 14, 92nd Congress.

Section 204(a) of the bill would empower the Consumer Protection Agency to intervene in "any investigation, hearing, or other proceeding" not involving an adjudication for the purpose of imposing a penalty for violation of a statute or regulation, if the result of such investigation, hearing or other proceeding may substantially affect the interests of consumers which may not be adequately protected unless the Agency intervenes. It appears to us that the intent and thrust of this bill is addressed to the kind of proceedings customarily engaged in by regulatory agencies, such as rate making and licensing proceedings, which have a direct and clear relationship to and affect the interests of consumers. However, since H.R. 14 does not define "the interests of the consumers," it would appear possible that, if this phrase were to be very broadly interpreted, it could be construed as authorizing intervention in several DOD investigative-type activities, although we believe that only very few might be susceptible to such action. These include the following:

a. Industrial Security—security clearances of defense plants.

b. Inspection Service—inspections of delivered purchased items or services to make sure that they meet contract specifications.

c. Pre-award Survey — determinations whether companies have the capability to perform work described in contract solicitations.

d. Nonappropriated Fund Activities—investigations of contractors or concessionnaires dealing with the Army and Air Force Exchange Service, the Navy Exchange or other nonappropriated fund activities of all the Military Departments.

e. Surgeon General—inspection responsibilities relating to the health of the military personnel of each Service. The Veterinary Service, under the Surgeon General, liaisons with the Departments of State, Agriculture, Health, Education & Welfare and other federal and civilian agencies and professional organizations on matters including food service inspection, food sanitation, and related activites.

Section 204(b) of the bill empowers the Consumer Protection Agency to intervene in certain types of adjudicative proceedings. Department of Defense contract adjudications conducted by the Armed Services Board of Contract Appeals (ASBCA) could arguably qualify under this section. However, it is doubtful that an appearance by the consumer organization would serve any useful purpose. These appeals are based upon provisions in defense contracts wherein the parties agree that disputes between the contractor and the contracting officer will be referred to the Board as the Secretary's representative for decision. The decision of the Board must therefore necessarily be governed by the terms of the contract being reviewed. Review of ASBCA decisions in the courts is likewise restricted to the issues raised under the contract. This is in contrast to adjudicatory proceedings in certain regulatory agencies (e.g., Interstate Commerce Commission, Federal Trade Commission) where intervention or investigation on behalf of the consumer interest could have a bearing upon the outcome of the matter to be decided.

Section 207(b) of the bill would authorize the Consumer Protection Agency to direct the Department of Defense to utilize its testing facilities and staff expertise to test products offered for sale or intended for sale by a manufacturer. This provision would adversely affect our capability for the timely testing of defense material and equipment for our armed forces. It is not believed that our test facilities and personnel should be utilized in the testing of consumer products.

I trust that the above information is responsive to your request.

Sincerely,

J. M. MALLOY,
Deputy Assistant Secretary of Defense (Procurement).

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 26, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in reply to your letter of April 14, 1971, concerning H.R. 14. The Commission is in the process of preparing comments on this and other consumer bills and will send you a copy of our views at the same time they are forwarded to the Committee.

In an effort to provide you with some information which may be helpful at this time, however, let me make a few personal observations on the questions posed in your letter.

As you know, the Commission has broad authority to regulate radio in the "public interest, convenience, and necessity." Everything we do, therefore, is in the "public interest." If we interpret the provisions of H.R. 14 broadly, as you suggest, then you could contend that everything the Federal Communications Commission does affects the "interest of consumers." The decision of the consumer advocate as to when to intervene in our proceedings would then seem to turn on how "substantially" the proceeding affects interests of consumers.

Clearly in an area such as setting rates for telephone and telegraph, the Commission's actions are substantially affecting persons as "consumers" of services. As you move to other areas, such as broadcast matters, then a determination would need to be made as to whether listeners to radio and viewers of television are "consumers" of the programming fare offered.

Perhaps the enclosed listing of major matters pending before the Commission as of December 31, 1970 will be of aid to you in your deliberations. Certainly everything listed in that document will arguably have substantial impact upon the public or some segment thereof.

I should note just briefly the other aspect of the test as to whether a consumer advocate intervenes in a proceeding and that is his determination that the interest of consumers may not be adequately protected unless he does so. Again, the Commission does make its determinations on what it believes to be in the public interest. I recognize, of course, that the parties to many proceedings are those who are most concerned with one or another private interest.

The general public has in recent years become more aware of and more vocal and frequent participants in a number of Commission proceedings particularly in the broadcast area.

I expect our comments on the bill itself will expand upon these concepts after I have received the benefit of the views of my colleagues. Meanwhile, if we can be of further help, please let us know.

Sincerely,

DEAN BURCH, *Chairman.*

FEDERAL MARITIME COMMISSION,
Washington, D.C., April 20, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: I have your letter of April 14, 1971, to Chairman Bentley requesting a descriptive listing of proceedings before this agency which might result in substantially affecting the interests of consumers as described in H.R. 14, a bill which, among other objectives, would establish an Office of Consumer Affairs within the executive branch. In the absence of Chairman Bentley on official business, I am replying to your inquiry.

As you note, the bill appears to give a rather broad interpretation to "consumers interests". Accordingly, our proceedings have been reviewed with a view towards extracting those which might possibly have an effect on the person who *ultimately* purchases products which are shipped in waterborne commerce. It is conceded that this might not be particularly illuminative in every case. As an example, the most direct effect on consumers would come about as a result of a rate proceeding. In classic theory, the carrier will raise ocean rates which will then produce a domino effect resulting in an increase in the ultimate retail cost of a product. This is not always the case, however, since competitive pressures, size of the increase, etc., may cause one or more of the intermediate marketing agencies to absorb the increase. The cause and effect relationship might become more remote in other fields.

Nevertheless, a review has been made of all proceedings pending in the Commission as of April 1, 1971. On that date 86 cases were in the process of litigation. Forty-five proceedings were eliminated as being essentially private disputes or Commission investigations on narrow issues. A description of the remaining 41 proceedings is attached.

I trust this information will be of assistance to you.

Sincerely yours,

ASHTON C. BARRETT,
Vice Chairman.

FMC PROCEEDINGS AFFECTING "CONSUMERS' INTERESTS" WITHIN THE CONTEXT OF H.R. 14, 92d CONGRESS, FIRST SESSION

Dockets 65–39, 65–46, and 69–28. These proceedings involve attempts to reduce problems relating to trucking at New York terminals. The result could be a diminution in the cost of doing business at New York which might be reflected in lower carrier rates.

Docket 68–8. This proceeding involves an intermodal service of Container Marine Lines which, it is claimed, could result in improved service to shippers.

Docket 68–44. This proceeding involves alleged malpractices in the Brazilian trade. Should malpractices be found to exist, their elimination might tend to stabilize rates.

Docket 69–5. This proceeding involves a proposed terminal lease agreement at San Francisco which purports to be the first step in a port-wide improvement plan. Conceivably, this could result in greater volume and lower rates.

Dockets 69–10, 69–23, 70–1, 70–1 (Sub. 1), 70–6, 70–23, 70–28, and 71–30. These are rate investigations in the Puerto Rican trade. Their potential effect on consumers is self-evident.

Docket 69–55. This is a rate proceeding in the Alaskan trade.

Dockets 69–56 and 70–51. These are proceedings involving proposed charter and merger between Sea-Land Service and United States Lines. Their approval might have an effect on rate structures in many of our trades.

Dockets 69–57, 71–2, 71–8, and 71–26. These proceedings involve the proposed plan of the New York Shipping Association to fund its obligations to the International Longshoremen's Association. This could have an effect on rate structures.

Docket 69–58. This proceeding involves the approval of a proposed agreement between containership operators in the North Atlantic trade. Its approval could affect rate structures in that trade.

Dockets 70–11, 70–18, and 70–19. These proceedings involve alleged diversion of cargo from West Coast ports. If unlawful diversion is shown, there might be an effect on rate structures.

Dockets 70–21, 71–13, 71–18, 71–20, 71–21, 71–23, and 71–24. These are rate proceedings in the domestic Pacific trade.

Dockets 70–48, 70–49, 70–52, 71–1 and 71–3. These are proceedings in which certain North Atlantic carriers have been directed to show cause why certain of their rates should not be cancelled or altered in view of the fact that inbound rates appear to be considerably below outbound rates on similar commodities. Decisions in these proceedings could have an effect on rate structures.

Docket 70–50. This proceeding involves an investigation of terminal practices at Seattle. Decision in this matter could affect the cost of doing business through that port.

Docket 71–17. This proceeding involves the failure of carriers to apply bunker oil surcharges on military cargo and thus, apparently, burdening nonmilitary cargoes. Decision in this matter could have an effect on rate structures.

Docket 71–22. This proceeding involves proposed increases in the Commission's user charges and fees. Many parties contend that this will increase their costs to such an extent that rate increases will be necessary.

Docket 71–28. This proceeding involves an increase on wine and spirits imports proposed by the North Atlantic Westbound Freight Association.

FEDERAL MEDIATION AND CONCILIATION SERVICE,

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: Thank you for your informative letter regarding Congressman Benjamin Rosenthal's Bill, H.R. 14, and your expressed concern of its possible effects upon the work of the Federal Mediation and Conciliation Service.

The proposed Bill would not affect our agency's ability to carry out its assigned mediation responsibilities, as we do not conduct "investigations, hearings, or other proceedings." The Service, which was created as an independent agency by the Labor-Management Relations Act of 1947, has as its primary mission the avoidance and/or settlement of labor disputes having substantial impact on interstate commerce. The agency has no regulatory functions, and its recommendations are not binding upon anyone.

The Bill, as it is now written, would have no effect on our mediation activities with the parties in a dispute, or with our preventive mediation programs designed to promote stability in specific labor-management relationships.

Your sharing this information with us is appreciated.

Sincerely,

J. CURTIS COUNTS,
Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE,
Washington, D.C. August 24, 1971.

Hon. FRANK J. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in reply to your letter of August 3, 1971, regarding H.R. 14 and its possible effect on the Federal Mediation and Conciliation Service.

I certainly appreciate your making the special effort to call my attention to your evaluation of the hearings on the bill. I share also your concern regarding the possible impact on this agency of Section 204 which relates to the right of the proposed Consumer Protection Agency (CPA) to intervene in any "proceeding" of any "Federal agency" where such proceeding may, in the judgment of the CPA, substantially effect consumer interests.

If this provision were interpreted to apply to the Federal Mediation and Conciliation Service, there is no doubt that H.R. 14, if enacted, would have an adverse impact on the mission of the Service.

It is imperative that the parties to a labor dispute know that what is discussed in negotiations will not become public information. If this were not the case, the doors to contract negotiations in the private sector would be immediately closed to Federal mediators.

Since its inception in 1947, the Service has insisted on maintaining the strictest confidentiality of its case files. The success of the Service is in no small part a result of this continuing policy.

In light of the implications of this proposed legislation, it is respectfully requested that the Service be excluded from the provisions of H.R. 14.

Thank you again for your interest in the Service and its mission.

Sincerely,

J. CURTIS COUNTS,
Director.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 24, 1971.

Hon. FRANK T. BOW,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BOW: The Secretary has asked me to reply to your letter of April 14th and to express our deep regret for not answering sooner.

As you correctly indicated the provisions of H.R. 14, in so far as they would create a statutory Office of Consumer Affairs, an independent Consumer Protection Agency and a Consumer Advisory Council, would have a definite impact on those agencies now concerned with consumer products and safety.

For this reason I have requested the applicable offices and agencies within the Department of Health, Education, and Welfare to provide me with information on how this bill would affect them. Unfortunately, this review process has demanded more time and effort then was apparent at the outset and, at this writing, has not been completed. I have, however, personally directed all of those asked to respond to submit their information by the close of business, Wednesday, May 26. At that time I shall be able to give a more complete and substantive reply to the questions raised in your letter.

Once again, we apologize for not having responded at an earlier date.

Sincerely,

STEPHEN KURZMAN,
Assistant Secretary for Legislation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 12, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: Thank you for your letter of August 3 in which you acknowledge the receipt of information concerning H.R. 14 and request that we forward any further information that we might have from the Social Security Administration and the Social Rehabilitation Service. I have been asked, in Mr. Kurzman's absence, to respond to your request.

The Social Rehabilitation Service has, to date, issued no comment with regard to H.R. 14. I shall contact the Service to learn if any of the bill's provisions are applicable to its programs and notify you of their response.

The Social Security Administration comments as follows:

1. Section 204 (Representation of Consumers) is the only section of H.R. 14 on which we have comments.

2. The term "consumer" is not defined in the bill, although the intent appears to be that the term would embrace purchasers of goods and services in the private sector of the economy. We assume that the term would not apply to a consumer in his relationship with the Federal government as a beneficiary (or recipient) of payments or services. That is, we assume, for example, that section 204 would not embrace a claimant for social security benefits who has requested a hearing on a claim for benefits in accordance with the appeals process contained in the Social Security Act. The intervention by the Consumer Protection Agency in such a hearing would not appear to be what was intended by section 204.

3. It also is not clear just what would constitute an "investigation" or "other proceeding." Arguably, these terms are broad enough to include the process by which policy is considered, particularly when the proposed rulemaking procedure is involved. If so, the bill might authorize the intervention of the Consumer Protection Agency on a very broad basis. For example, it can be argued that policies concerning standards for providers under Part A of Title XVIII of the Social Security Act have an effect upon patients generally and a similar case can be made concerning the setting of reasonable costs under Part A and reasonable charges under Part B of Title XVIII. In the latter case, policy on charges can affect the amount of coinsurance and premium payments insured individuals will have to pay and indirectly affect charges to the medical services consuming public generally.

We are not inclined to assert that a special exemption should be granted the Social Security Administration concerning the possible application of this provision. We defer to those agencies which would be more directly affected than the Social Security Administration on the question whether intervention by a consumer protection agency is desirable.

I hope this information is helpful, and, once again, I shall notify you as soon as I receive a response from the Social Rehabilitation Service.

Sincerely yours,

BERT LEVINE,
Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 2, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in response to your letter of April 14th requesting information about the potential affect of H.R. 14 on the various offices and agencies of DHEW.

The areas which a consumer advocate could significantly affect are the Food and Drug Administration, Health Services and Mental Health Administration and the Office of Education.

I shall discuss each of these separately.

FDA

A broad range of regulations promulgated by FDA would be subject to H.R. 14 pursuant to the following Acts administered by FDA:

Federal Food, Drug, and Cosmetic Act.
Federal Hazardous Substances Act.
Fair Packaging and Labeling Act.
Poison Prevention Packaging Act.
Public Health Service Act.
Tea Importation Act.
Filled Milk Act.
Import Milk Act.
Federal Caustic Poisons Act.
Flammable Fabrics Act.

A. The greatest number and variety of proceedings subject to consumer advocate participation would be those held pursuant to the Federal Food, Drug, and Cosmetic Act. These proceedings would involve food standards (21 U.S.C. 341); exemption for open containers of fresh fruits and vegetables (21 U.S.C. 345); tolerance for poisonous ingredients in food (21 U.S.C. 346); special dietary food regulations (21 U.S.C. 343); food additive regulations (21 U.S.C. 348); precautionary labeling for drugs subject to deterioration (21 U.S.C. 352); test methods for strength and purity of certain drugs (21 U.S.C. 351); designation of drugs as habit forming and prescription drug advertising regulations (21 U.S.C. 352); exemptions for drugs from starting the quantity of certain ingredients, and from adequate directions for use labeling (21 U.S.C. 352); regulation regarding prescription drugs (21 U.S.C. 353); approval and regulation of new drugs (including investigational new drug regulations) (21 U.S.C. 355); certification of insulin and antibiotics (21 U.S.C. 356, 357 respectively); designation of official names for drugs (21 U.S.C. 358); approval and regulation of new animal drugs and feeds (21 U.S.C. 360b); labeling exemptions for cosmetics (21 U.S.C. 362, 363); seafood inspection (presently defunct, 21 U.S.C. 372a); certification of color additives (21 U.S.C. 376); regulation of imported foods, drugs, cosmetics and medical devices (21 U.S.C. 381).

Regulations under Sections 401 (food standards), 403(j) (special dietary foods), 406 (poisonous ingredients in foods), 501(b) (test methods for strength and purity of certain drugs), 502(d) (habit forming drugs) and 502(h) (labeling of drugs subject to deterioration) may be initiated by any interested person or by the Secretary. These regulations are subject to formal on-the-record hearings and to appeal to the Court of Appeals and the Supreme Court. Other proceedings relating to prescription drug advertising, insulin and color additives follow the same procedures.

The sections relating to food additive petitions and antibiotic regulations provide for formal public hearings and judicial appeal (21 U.S.C. 348, 357 respectively).

Adjudicatory hearings are provided with regard to disapproval (or revocation) of new drugs and animal drugs and feed applications.

Additionally H.R. 14 could be applicable to food and drug inspections and other investigations carried out by FDA to assure safe and pure foods and drugs. Legal actions for seizure, prosecutions or injunctions resulting from the shipment of adulterated or misbranded (or otherwise violative) food, drugs, cosmetics or devices might also be subject to H.R. 14. It would be questionable as to whether these actions are "for the sole purpose of imposing a fine, penalty or forfeiture" (as provided in H.R. 14) and many such cases certainly involve corollary issues to fines, penalties or forfeiture they seek to impose.

Section 305 of the Act (21 U.S.C. 335) requires that before violations of the Act are reported to the Attorney General for institution of a criminal proceeding, the person involved will be given an opportunity to present his views either orally or in writing. Presence of a consumer representative could inhibit the free exchange in such informal hearings.

B. Regulations pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) which would be affected by H.R. 14 are regulations which establish criteria or tests determining what constitutes a hazardous substance, define the warning and precautionary labeling required for hazardous substances, and which ban hazardous substances.

Hearings are provided regarding banning procedures (15 U.S.C. 1261(q)(2)) and other regulations under the Act. Seizures, prosecutions, and injunctions are authorized regarding violative products.

C. The Fair Packaging and Labeling Act (15 U.S.C. 1467 et seq.) authorizes formal hearings and judicial review regarding regulations issued thereunder pursuant to procedures provided in the Federal Food, Drug, and Cosmetic Act. Pursuant to this Act regulations are issued regarding labeling of consumer products with their identity, name and place of manufacturer, packer, or distributor and statement of contents and conspicuousness thereof. The Act also authorizes regulations governing "cents off" promotions, nonfunctional slack fill, ingredient listings (except food) and characterizations of package sizes. FDA issues such regulations only with respect to food, drugs, cosmetics and devices (other commodities are regulated by FTC). Seizures and injunctions (not prosecutions) are also provided.

D. The Poison Prevention Packaging Act (P.L. 91–601) authorizes the establishment of special packaging standards for consumer commodities and requires consultation with a technical advisory committee prior to establishing the standards. Hearings pursuant to the formal procedures of the Federal Food, Drug, and Cosmetic Act or the Administrative Procedures Act (option of the Secretary) are provided. Judicial review is provided to the Court of Appeals and the Supreme Court. Seizure, injunction and prosecutions are provided by appropriate amendments to various statutes such as the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act.

E. Under the Public Health Service Act the FDA has been delegated certain responsibility authorized pursuant to Section 301 of that Act (42 U.S.C. 241) including shellfish certification program to insure shellfish is harvested from uncontaminated beds, milk and food sanitation model regulations for cooperation with States, and developing programs for the prevention of accidents. FDA also promulgates the interstate quarantine regulations which includes among other things regulating sanitary practices of interstate carriers (42 U.S.C. 264 (a)).

F. The Filled Milk Act (21 U.S.C. 61 et seq.) prohibits filled milk (milk with added nonmilk fat or oil) and authorizes necessary regulations for the enforcement thereof.

G. The Tea Importation Act (21 U.S.C. 41 et seq.) authorizes regulations regarding procedures for establishing standards of quality and testing imported tea, and appeals to the United States Board of Tea Appeals.

H. The Federal Caustic Poisons Act (15 U.S.C. 401 et seq.) requires warnings for products containing certain caustic poisons. (The Act was repealed except for its applicability to foods, drugs, and cosmetics which are exempted from the Federal Hazardous Substances Act which was intended to replace the Caustic Poisons Act).

I. FDA is responsible under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) in cooperation with the Department of Commerce for a continuing study of deaths, injuries and economic losses caused by accidental burning of fabrics and submits a report to the President and Congress annually relative thereto.

J. The Food and Drug Administration also has authority to detain meat and poultry products (jointly with the Department of Agriculture pursuant to the Wholesome Meat Act (P.L. 90–201) and the Wholesome Poultry Products Act (P.L. 90–492).

FDA also may prescribe regulations under Section 503(b) of the Federal Food, Drug and Cosmetic Act as authorized in the comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) relating to the labeling of controlled prescription drugs and the emergency dispensing thereof.

Consequently, virtually all functions of the Food and Drug Administration affect the interests of consumers as that term is generally understood (H.R. 14 does not provide a specific definition of "consumer interests"). In all of the investigations and proceedings initiated by FDA or to which FDA becomes a party, it is charged with protecting the public health and consumer interest.

HSMHA

There are two programs which would appear to be clearly affected by the enactment of H.R. 14:

A. The regulation and licensure of the manufacture of biologists by the Division of Biologics Standards, National Institutes of Health, pursuant to section 351 of the Public Health Service Act.

B. The regulation and licensure of clinical testing laboratories by the Center of Disease Control, Health Services and Mental Health Administration, pursuant to section 353 of the Public Health Service Act.

Both of these programs involve the promulgation of regulations affecting consumers' interest. These promulgation requires public participation (written comment), hearings in cases of denial or revocation of licenses, and continuing investigation of the regulated manufacturers and laboratories to determine compliance with standards set by the respective agencies.

In a broader sense, it is possible to view most, if not all, of the grant programs conducted by HSMHA as affecting consumer interest. For example, migrants receiving health care services funded by a grant pursuant to section 310 of the PHS Act, could be considered "consumers" of those health services, but whether they are consumers within the intendment of H.R. 14 is not clear.

When agencies promulge regulations for HSMHA grant programs they establish the basic structure of the programs and thus "substantially affect" the recipient of the grant services. While the adoption of regulations does not require the holding of hearings, public participation is invited in the form of written comments prior t adoption. Furthermore, the administering agencies are under an obligation to "investigate" the performance of grantees to ascertain whether

they are providing health services in accordance with the regulations finally adopted.

OE

There is a significant possibility that three educational programs may be reached by the bill.

A. Part F of Title I of the Vocational Education Act of 1963 provides for consumer and homemaking education. Allotments are provided to the State for this program, but there is review of interim components in the State plan mandated by the federal statute. It can be argued that such consumer education represents an interest of consumers as intended in the Consumer Protection Bill.

B. Title II of the National Defense Education Act and Title IV B of the Higher Education Act guarantee loans to college students. To the extent that the Office of Education is involved in decision making with respect to the participation of colleges and banks, and as to what requirements these institutions must meet, such decisions might be considered as affecting consumers.

C. Consumer interests might also be affected by OE grants to profit-making institutions in the field of vocational education.

In addition to those areas I have noted and discussed above the Social and Rehabilitation Service and the Social Security Administration may be affected by the provisions in H.R. 14. Both of those agencies are reviewing this bill and will be commenting soon.

Because I do not want to delay forwarding the information contained in this letter, and because I believe the affects on the operations of these agencies will probably be minimal, I am sending this letter without the benefit of their comments. I will, however, send these along to you as soon as they are received.

I hope you will find this information helpful. Once again, my appologies for the delay.

Sincerely,

STEPHEN KURZMAN,
Assistant Secretary for Legislation.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., May 4, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR FRANK: This is in reply to your letter of April 14 in which you ask for information as to what "proceedings" of this Department may "substantially affect" consumers and be subject to certain provisions of H.R. 14, 92d Congress. Among other things, these provisions would authorize a Consumer Protection Agency to intervene as a party in such proceedings.

As the Department has very limited regulatory functions, it conducts few proceedings where such concepts as "party" and "intervention" have much meaning. We may of course hold hearings in compliance with requirements of title VI of the Civil Rights Act in cases where financial assistance is terminated or refused because of violation of nondiscrimination requirements, and it is possible that some proceedings would be considered to affect the interests of "consumers" such as purchasers of homes, tenants, and users of public utilities and facilities.

A category of proceedings more likely to be of the kind mentioned in your letter would be hearings held pursuant to the Interstate Land Sales Act (title XIV of the Housing and Urban Development Act of 1968, 15 U.S.C. 1701). These would be held, upon request, when the Secretary refuses to accept a lot developer's "statement of record" disclosing various kinds of information concerning lots proposed to be sold or leased through use of communications in interstate commerce. Also, hearings under this Act may be held in cases where the Secretary suspends a "statement of record" already filed. In both of these cases, we would assume that consumers—prospective lot purchasers—could be considered as being affected; in both, the statute also specifically provides for judicial review.

In addition to the above, we might note one other category of proceedings that could, under regulations we have proposed, involve hearings with designated "parties", a written record and the like. These are proceedings "debarring" or excluding contractors or grantees from participation in HUD programs on the basis of past failures or inadequacy of performance or other cause. Particularly where the "contractor" in a hearing is a construction contractor, builder, or other participant in FHA mortgage or home improvement loan programs, consumers or consumer groups could feel that they have an interest in some of these proceedings, in which event the provisions of at least section 204(b) of H.R. 14 might be considered to apply.

So far as the less formal (and more common) proceedings of the Department are concerned, many involve situations where we would *encourage* wide participation of interested groups and agencies; this would be especially true of "rulemaking" where, under current procedures, proposed regulations having a general or broad impact are published for written comment in the Federal register. "Intervention" in proceedings such as these has little significance since no effort is made to limit the number of "parties". Of course, issues and problems could arise to the extent that persons or agencies asserting an interest in these or other informal "proceedings" of the Department sought to secure more formal handling of particular matters or an opportunity to participate in advance of the time when we would request general or public comments.

In this respect, we would call your attention particularly to the fact that the Department is required, pursuant to section 521 of the National Housing Act, to provide procedures under which sponsors of products or methods can secure FHA determinations as to the technical suitability of these products or methods for use in FHA assisted housing Although these procedures are informal and do not involve hearings or issuance of specific regulations, they are of obvious interest to homeowners and tenants, and persons or agencies representing these groups could well desire that the handling of particular approvals be expanded to include an opportunity for hearings or other formalities. A pamphlet describing the procedures as they are now is enclosed.

I hope that you will find this information helpful. Please let me know if I can be of further assistance.

Sincerely,

GEORGE ROMNEY.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 2, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in response to your letter of April 14, 1971, requesting information concerning the possible impact of H.R. 14 upon the activities of this Department.

H.R. 14 would create an Office of Consumer Affairs and a Consumer Protection Agency. Section 204(a) provides that the Consumer Protection Agency shall have the right of intervention in any Federal investigation, hearing or other proceeding which does not involve imposition of a fine, where the Agency finds that (1) the result of the administrative proceeding may substantially affect the interests of consumers and (2) such interests may not be adequately protected unless the Agency intervenes.

I apologize for the late response. As you can undoubtedly appreciate, it is extremely difficult to predict how vigorously the consumer advocate would exercise his right to intervene. For this reason, it has taken somewhat longer to respond than usual. In your letter you requested a reply by April 27, 1971, in time for hearings on H.R. 14. A member of my staff contacted your Administrative Assistant, Mr. Lekander, on April 26, and was informed that hearings would continue ali summer and that the April 27 deadline could be disregarded.

This Department is involved in matters affecting consumer interest in several areas. The Oil Import Program, which sets oil import quotas, the programs of mineral leasing, timber and grazing permits on the Federal lands, recreation user fees in National Parks and recreation areas, the sale of electrical energy from the Bonneville Power Administration and its sister agencies, and reclamation projects are all activities which could affect consumer interests.

Cases before the Board of Mine Operation Appeals regarding mine health and safety may well be the subject of intervention, since satisfying health and safety standards often requires the installation of additional, expensive equipment, thus increasing the ultimate cost to the consumer of coal or other minerals. It should be noted that the Federal Coal Mine Health and Safety Act provides in several key provisions for participation in administrative proceedings by "interested persons."

The effect of the bill upon the Board of Land Appeals could also be significant. The Department's quasi-judicial decisions concerning public lands and their resources, e.g., minerals, timber and forage, may indirectly affect the consumer. For example, the price of lumber is largely dependent upon timber sale prices. With respect to timber sales on O&C and other public lands, appellate action may have significance to the consumer. Additional costs to the consumer might also result from the imposition of environmentally protection conditions upon mineral leases. Appeals to the Board of Land Appeals are chronic relating to the adequacy of bonus bids with mineral and oil and gas lease offers, including outer continental shelf lease offers. Obviously, the size of a bonus might well have an ultimate effect upon the consumer.

If intervention on behalf of the consumer were to be required in cases dealing with public lands and resources or mine health and safety, consumer interests would be tangential to prime determination of these proceedings and would materially delay case determination. In the past we have had little, if any, consumer-oriented intervening parties before us. However, we have witnessed a significant increase in environmental groups seeking intervention. To our mind, essential to any statutory provision granting a Consumer Protection Agency authority to intervene is the right of the acting agency, subject of course to judicial review, to determine if the statutory criteria have been met. These criteria should require that the CPA make a showing satisfactory to the acting agency that the acting agency's determination could have substantial impact on consumers' interests.

Because discretion as to intervention would rest with the Consumer Protection Agency we cannot determine in advance the circumstances under which such intervention might interfere with these program responsibilities.

With regard to section 207(b) of H.R. 14 which requires Federal agencies, upon request, to test consumer products, this Department might be called upon to test metal and petroleum products at the testing facilities maintained by the Bureau of Mines. However, it is not anticipated that this would present a serious problem to the Department.

It should be noted that Mr. Arnold Weber, Associate Director of the Office of Management and Budget, testified during the April hearings that the Administration is currently studying several alternatives for protection

of the consumer, and has not yet taken a position on H.R. 14.

Please advise us if we can be of further assistance to you.

Sincerely yours,

W. J. PECORA,
Acting Secretary of the Interior.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., April 27, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: Thank you for your letter of April 14, 1971, in which you request a listing of all the Commission's "hearings, investigations or other proceedings which may 'result' in substantially affecting the 'interests' of consumers" as possibly envisaged by pending consumer legislation, particularly H.R. 14, introduced by Congressman Benjamin Rosenthal. You also inquire as to what effect the procedures may have upon the Commission's work.

As pointed out in your letter, the term consumer is not defined. Given a broad connotation, it could embrace any shipper offering property for transportation in interstate commerce and, thus, would involve every proceeding handled by this Commission involving the franchises, rates and finances of carriers we regulate. In other words, consumer interest could be construed as being co-extensive with the public interest and, thus, be the only factor in each of our proceedings. If the terms are not co-extensive, we think that the Commission should continue to consider consumer interests as one factor in determining the public interest. We are making every effort to take into account consumer interest, both in our formal cases and in setting our priorities for investigation and enforcement activities. The most notable of these cases include (1) Ex Parte MC–19 (Sub-No. 8), *Practices of Motor Common Carriers of Household Goods,* new rules promulgated in these proceedings effective June 1, 1970; (2) Ex Parte 270, *Investigation of Railroad Freight Rate Structure;* (3) Ex Parte 271, *Net Investment—Railroad Rate Base;* and (4) Ex Parte 272, *Investigation into Limitations of Carrier Service on C.O.D. and Freight-Collect Shipments Notice of Proposed Rulemaking and Order (49 CFR Chapter X).*

As to the second question, Section 205 of H.R. 14 authorizes the proposed new agency and office to receive and transmit complaints to appropriate agencies. This could be construed as authorizing the agency and office to receive complaints subsequent to formal or informal actions by this Commission on similar complaints and might require us to reconsider our actions. It is a well-settled point of administrative law that actions of this Commission which are administratively final are subject to judicial review. Consequently, this Section 205 should be clarified to provide that the Commission need not entertain successive complaints or reopen administratively final decisions.

Presently local and state organizations, both public and private and in one instance a consumer group, have participated in our proceedings. Frequently our Bureau of Enforcement also participates to develop records. Therefore, permitting the consumer agency to intervene in our proceedings would pose no problem under our established procedures. However, in all candor, I should point out that continual intervention by such an agency would substantially increase the workload of this Commission.

Section 203(b)(6) would authorize the Consumer Agency to request other Federal agencies to issue orders "for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding." This could give the Consumer Agency a preferred status as an advocate before an administrative agency and would pose particular problems where a person appeared before the agency as an individual party and was also represented by the Consumer Agency as a consumer. Provision should be made for discretion by the concerned agency.

If any of these proposals are enacted, it could be a further drain on our limited staff and very definitely would require additional staff and money to handle the increased workload.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 3, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in response to your letter asking for a descriptive listing of hearings, investigations and other proceedings of this Department which could substantially affect the interests of the consumer in order to assist you in assessing the impact of H.R. 14, "Consumer Protection Act of 1971."

Although most of our programs do not relate to the individual as a consumer, I am enclosing a list which is a preliminary analysis of those programs of the Department under which there are hearings, investigations and other proceedings which most closely relate to the interests of the consumer. The basis for my judgment is twofold; does the program affect a person as a user of goods or services, or does it affect the wage or price level generally in a particular area or in a particular industry. I am also enclosing for your information a questionnaire developed by the Administrative Conference of the United States and our response respecting the recognition of the public interest in the Department of Labor's administrative proceedings. I would note that our response was made before the enactment of the Occupational Safety and Health Act of 1970.

We are continuing to study the effects of our programs on the interests of the consumer, and if we find any other programs under which there are hearings, investigations and other proceedings which could be considered to have a substantial effect on the interests of the consumer, we will bring them to your attention.

Sincerely,

PETER G. NASH,
Solicitor of Labor.

WELFARE AND PENSION PLANS DISCLOSURE ACT HEARINGS

Hearings are provided to grant variations from the manner of publication of welfare and pension plan reports. The Secretary must also offer opportunity for a hearing if he proposes to require a bond in excess of $500,000 for any person handling funds of a welfare or pension plan.

INVESTIGATIONS AND OTHER PROCEEDINGS

Sections 5 and 6 of the Act require disclosure and filing of reports concerning welfare and pension benefit plans.

Section 9 provides for criminal penalties for willful violations of the Act and/or civil suits by the Department of Labor.

Walsh-Healey Public Contracts Act

Rule-making proceedings to determine prevailing minimum wages under the Walsh-Healey Public Contracts Act.

Service Contracts Act

Rule-making proceedings to determine prevailing minimum wage under this Act.

Davis-Bacon Act

Hearings under the Davis-Bacon and related Acts in cases where the Secretary deems it necessary, because of insufficiency of information or impracticability of a field survey, to invoke such investigation and hearing procedure in order to make a wage determination for a particular construction project.

On request of interested parties, informal hearings may be held resulting from investigations which show reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of the Davis-Bacon or related Acts, or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) of the Act.

Hearings, at the request of a Federal agency, in cases involving disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations.

Hearings, before the Wage Appeals Board, at its discretion, involving review of wage determinations under the Davis-Bacon and related Acts, including removal from debarment, and liquidated damage cases under these Acts and the Contract Work Hours and Safety Standards Act, and of controversies concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations under the Davis-Bacon and related Acts.

Executive Order 11588

It is assumed that in the future there will be proceedings before the Construction Industry Stabilization Committee, established by E.O. 11588 dated March 29, 1971, at which this Department will furnish legal services.

Trade Expansion Act

There are investigations under the Trade Expansion Act of 1962 for certification of eligibility of groups of workers to apply for adjustment assistance, which come before the Secretary in either of two ways:

(1) After filing of a petition by a group of workers with the Tariff Commission to determine whether competitive imports are causing or threatening unemployment or underemployment. If the Tariff Commission makes an affirmative finding, the Secretary under E.O. 11075 may certify the eligibility of the group of workers involved to apply for adjustment assistance.

(2) Groups of workers may make such requests directly to the Secretary under the Act, after the President has provided under section 302(a)(3) that the workers in an industry may make such requests (where the industry has been found by the Tariff Commission to be seriously injured or threatened by imports). On a showing to the satisfaction of the Secretary, he may certify the eligibility of such groups of workers.

Consumer Credit Protection Act

The enforcement provisions of title III, Restriction on Garnishment, of the Consumer Credit Protection Act, are extremely vague. They merely provide that the Secretary of Labor, acting through the Wage and Hour Divisions, shall enforce this title. We have had occasion, however, to bring injunction suits in the Federal district courts (through our Regional Offices) to restrain State courts from enforcing garnishments under the State laws which do not conform with the Federal statute because they furnish less protection to garnishees.

1. In many agency proceedings a public interest determination is required before a final decision is reached. The following questions relate to such proceedings.

(a) What specific procedures does your agency have to insure that all important elements affecting the public interest are considered and weighed before a decision is made?

(b) What specific procedures does your agency have to make all interested parties

aware that matters affecting their rights and interests are in issue in a pending proceeding so that they may participate to protect those rights and interests? What procedures are available to notify members of the general public who do not ordinarily read the Federal Register, trade publications, and other commonly used "notice" vehicles?

(c) What are the standards used by your agency to determine whether an individual or organization has standing to intervene or participate in an agency proceeding?

2. If a unit of your agency is assigned the task of participating in a proceeding for the purpose of representing the public interest, please describe the operations of that unit. Please include answers to the following questions in your discussion.

(a) * * * * * * *

keep advised of the rights and interests of the public in general or elements thereof which may be affected by an action of the agency?

(b) By what means is the general public made aware of the existence of such a unit?

(c) How many employees are assigned to this function? Describe the organization structure of the unit.

(d) Does it participate fully in all cases or is it selective? If it is selective, list the criteria for the selection.

(e) To what extent is a separation maintained between the unit and the decisional elements of the agency? For example, is the public interest unit free to select for itself the cases in which it will participate and to take and support positions which are not consistent with established agency policies? Does the unit have the authority without the interference of the agency to request the institution of cases and investigations and to propose the inclusion of issues?

3. When a party has shown sufficient interest to participate in a proceeding, what specific procedures do you have to relieve him of the financial burden? In your discussion, please include answers to the following questions:

(a) To what extent does your agency furnish counsel for the participants?

(b) If your agency charges filing fees for participating in administrative proceedings, what provisions do you make for waiver of filing fees and other costs in case of need?

(c) What provisions are available for furnishing free or reduced rate transcripts or other documents required by participants?

(d) What procedures are available to provide witness fees and travel expenses for the participant and his witnesses?

(e) To what extent are field hearings utilized?

(f) Are secretarial services furnished in appropriate cases?

(g) Are there provisions in your rules for the waiver in appropriate cases of certain of the technical, administrative requirements of participating in proceedings (such as the requirement that any given number of copies of a pleading be filed)?

4. If you feel you have developed other procedures to assure publicity and active participation by individuals or groups not covered by the above questions, please elaborate. Also, we would appreciate specific information if you have developed innovative procedures designed to allow broader public participation without so over-burdening the process that unacceptable delay results.

DEPARTMENT OF LABOR'S RESPONSE TO QUESTIONNAIRE RESPECTING RECOGNITION OF THE PUBLIC INTEREST IN AGENCY ADMINISTRATIVE PROCEEDINGS

At the outset it must be said that we are not a regulatory agency. The great majority of our work is enforcing the laws coming within the scope of our responsibilities. This is done under many statutes by proceedings in the courts, the best example, but not the only ones, being the Fair Labor Standards Act (FLSA), the Labor-Management Reporting and Disclosures Act (LMEDA), and the Welfare and Pension Plans Disclosure Act (LPPDA). Most of our administrative proceedings are also enforcement, that is, adjudicative, in nature. The purpose of both these types of proceedings is to ascertain whether particular parties have committed particular violations. They do not affect the interest of the general public in the sense of your questionnaire.

Question 1: We have so few proceedings in which a public interest determination is required before a final decision is reached that no specific formal procedures are necessary in this area. Even our rulemaking does not effect the public *as a whole* to such an extent that specific standards and the like are either needed or practical. Accordingly, we will not break the answer to this question down into the question's several subdivisions.

Some of our rulemaking does, of course, affect a number of employers and their employees, and sometimes the latters' unions. Publication of notice of proposed rulemaking in the Federal Register, with opportunity for submission of comments by interested parties, is amply sufficient in those situations. There is no doubt that those directly concerned are aware of formal rulemaking under the Administrative Procedure Act, including the small segment of the general public who might have a particular interest in the particular rule.

A few specific examples may be briefly mentioned. In our programs under E.O. 11246 regarding equal employment opportunities on Federal or Federally assisted construction contracts, and under E.O. 11491 covering labor management relations in the Federal service, public hearings are held to solicit comments on proposed rulemaking wherever practical. Additionally, the nature of the equal employment opportunities program in particular (there are also others) is such that the traditional news media are frequently involved in widespread discrimination of information—e.g., the Philadelphia Plan for equal employment opportunities for minorities in the building and construction trades. Also, E.O. 11246 authorizes administrative sanctions against non-complying Federal contractors and subcontractors. During the course of such proceedings, any person or organization may be permitted to participate in the manner and to the extent allowed by the hearing chairman, on a showing that he has a legitimate interest in the proceedings and may contribute materially to the proper disposition of the matter.[1]

In the unemployment compensation area, the only procedures which could be said to affect the public interest to any real extent (and these effect only a small segment of the public) are those involving the question whether a State law meets the applicable Federal requirements with respect to normal and additional tax credits and grants to States for administrative costs of their employment security agencies. A conclusion that a State law meets Federal requirements is made within the Department, but if there is a question of compliance with such requirements which cannot be resolved by informal discussions with the State agency and other interested groups, a notice of hearing is sent to the State agency. Interested persons other than such agency may participate in the hearing to the extent provided in the notice of hearing. In the past they have been permitted to present oral argument or file briefs on any issue, or both.

Title III, Restriction on Garnishment, of the Consumer Credit Protection Act definitely does not effect the public in general. However, the title authorizes the Secretary to exempt from its requirements garnishments under the laws of any State which provide restrictions substantially similar to those provided in this title. States may apply for such an exemption and, in the event of a denial, opportunity "to the extent feasible and appropriate" may be afforded to State representatives and any other interested parties to submit data, views and arguments orally or in writing. 29 CFR 870.53.

Mention should also be made of our informal rulemaking in the prevailing wage determination program under the Davis-Bacon and related Acts. These wage determinations affect certain Government construction contractors and subcontractors, certain construction workers, and often their unions. But this is not the general public.

However, ample notice to all sufficiently concerned is given when bids are invited on this particular contract. Since 27,281 wage determinations were issued in Fiscal 1969, any notice beyond that presently given would be wholly impractical.[2]

Question 2: Since no unit of this Department is specifically "assigned the task of participating in a proceeding for the purpose of representing the public interest," we will not break the answer to this question down into the latter's several subdivisions.

A unit of this kind is unnecessary for the reasons set forth in the response to the preceding question. However, there is no doubt that the rights of any interested party, not represented by counsel or otherwise, in any of our administrative hearings would be amply protected by representatives of the subdivision of the Department administering the particular law involved, the Solicitor's representative who appears at such hearings, and by the hearing examiner himself. As to doing so for the general public as a whole, this would not be feasible because of personnel limitations and also, to repeat ourselves, the *entire* public is not "interested" in any of our administrative proceedings.

Question 3: As in the case of questions 1 and 2, we will not break this answer down into the question's several subdivisions because very little financial burden is placed upon parties to our proceedings.

We do not furnish counsel for participants. We would help them as described immediately above; but we have no funds to hire lawyers to represent them. We have no provisions for waiving filing fees, etc., in case of need, because there are no such fees in any of our proceedings.

No provision is made for furnishing transcripts of our proceedings free or at reduced

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[1] In the opening paragraph we mentioned the IMRDA and the WPPDA as having principally enforced in the courts. There are provisions for adjudicatory hearings under section 491(b) and (1) of the IMRDA and sections 5 and 13 of the WPPDA in certain very limited circumstances, but the Department has not conducted any proceedings under those provisions. Regulations under E.O. 11246, labor-management relations in the Federal service (29 CFR 262.11, 206,62), provide for intervention on motion to the hearing examiner or regional administrator. This procedure applies only to hearings to determine whether "bill of riches provisions" adopted by the E.O. for title I, IMRDA, were violated.

[2] Our regulations provide for hearings respecting wage determinations where necessary for specified reasons. These hearings are held by a hearing examiner who shall "after notice to all interested parties" proceed to the project area and conduct them. 29 CFR 1.8.

Additionally, other regulations permit review of specified Davis-Bacon type actions by the Wage Appeals Board by any interested person. 29 CFR Part 7, subpart B. An "interested person" is defined to include, *without limitation*, specified firms, persons and agencies. Sec. 712(b) of this subpart.

rates. They may be purchased at the fee fixed by the reporting service concerned. As to other documents, many of our regulations provide that copies of documents may be bought at so much a page. However, our regulations under the Freedom of Information Act provide that, except for documents exempted from disclosure by that law, any person may inspect and copy any document in the Department's possession or custody by following certain prescribed procedure. 29 CFR Part 70.

Witness fees are paid when authorized by statute, chiefly in adjudication or enforcement cases. For instance, the FLSA, LMRDH and WPPDA adopt by reference sections 9 and 10 of the Federal Trade Commission Act which provide for the issuance of subpenas and payment of the same fees and mileage as in the case of witnesses in the Federal courts. The Walsh-Healey Public Contracts Act contains a subpena provision comparable to the above mentioned sections 9 and 10 (the Walsh-Healey provision has been adopted by reference in the Service Contract Act and the safety provisions of the Contract Work Hours and Safety Standards Act), and the Longshoremen's and Harbor Workers' Compensation Act contains a similar section. See also 5 USC 503, witness fees and allowances in agency administrative proceedings.

Secretarial services are not furnished to the public. We have neither the staff nor the funds to do so. Field hearings are extensively utilized, particularly in cases of adjudication but also on many occasions in rulemaking. Waiver of certain technical requirements is not at all uncommon. In appropriate cases we would assuredly not inflict hardship upon any party by insisting upon compliance with technicalities.

Question 4: We believe our foregoing responses answer this general question. We are confident that all persons who have a legitimate interest in any of our proceedings have ample notice and opportunity to participate. We are sure that we do everything along these lines that is feasible without unduly over-burdening our administrative procedure.

Mr. PURCELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Florida (Mr. FUQUA).

Mr. Chairman, I want to say at this point that the chairman of this committee, the gentleman from California (Mr. HOLIFIELD), has my highest respect. I know that he has spent endless hours trying to work this out, but I cannot in good conscience express my views of the effect of this proposed law without the Fuqua amendment in it.

I rise in support of the amendment of my colleague from Florida. With present consumer protection activities inefficiently fragmented throughout the many agencies of the Federal Government, certainly, we are in need of a more centralized consumer protection agency. However, the present bill encompasses such an unrealistically wide range of functions that, if it were enacted with its present language, the agency it seeks to create would surely collapse of its own weight. And, in doing so, it would do serious harm to the consumer protection movement and the administration of the Nation's Government.

Let me read to you what will be a prophetic warning if we do not accept the Fuqua amendment. Dr. Roger Cramton, Chairman of the Administrative Conference—an independent Federal agency that studies proceedings of other Federal agencies and recommends improvements—testified during the hearings on this bill. In giving his expert testimony, Professor Cramton expressed what he called his own fears:

The time is surely at hand to find some new ways of increasing Government responsiveness to the needs of the consuming public. If the means chosen for this purpose do not change the final decision-making authority, but add one more voice . . . to the long-standing ordered proceedings, benefits may be achieved at relatively little cost.

What Professor Cramton was describing—"one more voice in ordered proceedings that does not change the final decisionmaking authority"—what he was describing, without knowing it, would later be introduced as Congressman FUQUA's "Friend of the Consumer" amendment. Let me continue with the Professor's views:

Those who anticipate a revolution as a result—fail, I think, to appreciate the magnitude of the task of the new agency and the setting in which the advocacy will occur.

The Fuqua amendment recognizes the magnitude of this untried agency's task. It provides far greater flexibility for the Agency than does the present bill. Under the Fuqua amendment you would not find valuable consumer advocates lost for 2 or 3 years in complex proceedings made even more complex by their continued presence. On this point, Professor Cramton observed:

The infusion of a new party into agency proceedings that are already complex may add some additional length to the proceeding, and may make settlement of the case more difficult; but, I think, overall it is easy to overemphasize these effects.

I am compelled to say that it may be easy to overemphasize the overall problems of complexity and delay. But let us get down to specifics. There are areas where the dangers of this complexity and delay that Professor Cramton predicts cannot be emphasized too strongly. For example, the area of produce marketing order proceedings by the Department of Agriculture will be, according to the committee report, a prime area of attack. Delay here could cause ruined produce that would not stay fresh while a consumer advocate takes USDA to court .It will be the west coast dock strike all over the country.

Drawing further from the valuable expert testimony from the head of the Federal agency created by Congress to study agency proceedings:

The consumer advocate will be an institutional litigant who will be appearing with regularity before the same bodies. He will have a greater concern with long-range implications and the efficiency of agency regulation that the occasional intervenor whose interest is with just the result of one case.

I could not agree more with Professor Cramton's basic concept. In fact, this long-range approach is what the Fuqua amendment is all about. Along this line, we find at the heart of Professor Cramton's views the following statement:

Indeed, my own fears run largely in the opposite direction. If we have overly high expectations for the consumer advocate, our hopes are likely to be frustrated. Even the existence of unreasonable expectations concerning the benefits that will flow from a consumer advocate may be harmful.

I would respectfully ask those who feel, for one reason or another, committed to this bill to consider the following warning:

The consumer advocate, frustrated by limited resources in the face of broad hope, may concentrate on high visibility and high publicity appearances, rather than in devoting more of its energies to the tough patient task of skilled preparation, thorough analysis and perserverance than in the long run will bring the more profound results.

Professor Cramton, significantly, concluded his remarks by saying:

I would urge, then, that the Congress be realistic in its hopes and in its funding when it considers consumer advocacy.

Professor Cramton, a former law professor and by far the major expert witness to appear before the committee, has put his finger right on the problem. No Congress is going to provide the funding necessary for an untried agency to hire the hordes of legal experts that would be necessary to effectively implement the grandiose concept of adversary advocacy in this bill. The agency will need experts in food and drug law, experts in securities law, experts in transportation law, experts in international law, experts in trade regulation, et cetera, et cetera, if it hopes to be successful.

Indeed, the committee report estimates—as it is now required to do—that only 200 employees, total, will be used by the Agency during its first year. This includes, as Congressman ROSENTHAL recently pointed out, clerks and janitors. Yet, in view of the current economic situation and the limited Federal funds available, this appears to be a perfectly reasonable estimate. In fact, I would not be surprised to see the Appropriations Committee say there just are not enough funds to meet the committee's estimated $5.4 million budget for the first year.

This can put us right into the disastrous situation predicted by Professor Cramton:

In light of all the great expectations we have heard about this new Agency, it will shoot for the high-visibility, high-publicity appearances. It will, of necessity, forget about the long-term needs of consumers because the present advocacy sections of the bill are based on the misguided theory that we can prepackage, an economy-size Justice Department to prosecute cases for consumers.

For example, last Thursday the Democratic Study Group held a press conference on this very bill. Congressman ROSENTHAL, whose knowledge is vast in many areas of consumer concern, was asked whether delays caused by a consumer advocate's participation in produce marketing orders could result in spoiled goods and higher prices. His answer was quick and to the point:

We do not want to exempt marketing orders from the bill.

It is reasonable to assume from Mr. ROSENTHAL's district that he would have little need to feel concerned or even inquisitive about the complexity of the marketing order system and the tender balances that must be struck there.

But I understand them. And any Congressman from a farming district understands them. And we know we cannot subject them to attacks from an underfunded, inexperienced Agency. And we know the attacks will come. And I for one am unable to support a bill based upon the theory that the best defense for consumers is an offense against the agencies of the Federal Government.

The immediate answer to the admitted consumer problems within present Federal agencies is to require those agencies by law to give proper attention to consumers, and create an advocate to assist them in doing so. This is exactly what the Fuqua amendment does as a first step. Good sense dictates that we take this step, rather than the suicidal leap that the present bill would require.

I am particularly worried about one area of high visibility and high misunderstanding among consumers and their self-appointed spokesmen. That has to do with the theory held in many quarters that the American farmer is the enemy of the consumer, and that the Department of Agriculture is the cause of the high prices housewives have to pay for their food and fiber.

Unfortunately, the American farmer does not have the ears of many of the major newspapers in this country. Spokesmen for consumers, on the other hand, do. And they have wrongly made the American farmer and the Department of Agriculture high visibility targets for attack by the guided missiles that are hidden in the present section 204 of this bill.

Mark my words, you will never hear this Consumer Protection Agency tell consumers that last year the average American family spent only 16.7 percent of its income to buy the best food available in the world, compared to 25 percent in Europe and 50 percent in Russia for considerably less. You will never hear this advocate say that the farmers' average income is 24 percent below the median of all other segments of the Nation's productive force.

The complexities and problems of agriculture today are a mystery to most consumer spokesmen. They appear to have little knowledge or interest in the underlying economic principles and pragmatics that have made this country the best fed and best clothed in the world.

I am deeply concerned about the plight of the American farmer, an unjustly maligned and neglected member of our society—an efficient and vital producer in our economy. I cannot allow the present bill to be passed without registering my serious objections, especially regarding the potential damage it could do to the already shaky position of the farmer.

In addition to the Fuqua amendment, we really should have further exemption for agriculture proceedings. Then we could exclude these proceedings from the realm of this consumer advocate who will be attacking the Government from within—and this includes the Department of Agriculture.

Far from being an enemy of the consumer, the farmer is also a consumer. Furthermore, in his role as producer, the farmer clearly needs as adequate an advocate as does the consumer. While we are considering consumer protection legislation, we need to be thinking in terms of providing proper protection for our farmers as well.

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

Mr. PURCELL. I am glad to yield to the gentleman from Florida.

Mr. FUQUA. I want to thank the gentleman and appreciate the fine statement he has made. The gentleman is a very knowledgeable and senior member of the Committee on Agriculture, probably as knowledgeable as anybody in this Congress on agricultural matters.

In your opinion, from looking at the bill, what effect do you think it is going to have on agricultural marketing orders, whether they be milk marketing orders or others, and what about the appeal provision provided in the bill as applied to marketing orders for agricultural commodities?

Mr. PURCELL. This is a point on which I want to spend some time. I think it is very unlikely that it would have anythink short of a devastating effect on marketing orders or any perishable commodity. It is one thing for us to stand here and show our great enthusiasm for protecting the consumer. I would hope we are all interested in that. But the procedures that would be held up by this carying-on, let me say, could run the price of food to the consumer up to an extent that I do not believe has ever been estimated. I do not know how to estimate it. A delay in perishables could cause the price of those commodities to go very, very high. I would say that this is one of the most dangerous areas of the bill. Then if I might say in addition to that I doubt if in this area we will find any protectors of the consumers who will stand up and tell the American public that the American farmer is still producing food today at a cheaper price than it has ever been produced before in the history of mankind.

Mr. KYL. Mr. Chairman, I rise in support of the Fuqua amendment.

Mr. Chairman, the gentleman from Florida has spoken in general terms about his amendment. I would like to be specific about one department of government at this point. It has been said by members of the committee that they have studied this subject in meticulous detail. May I say to them, in someone else's words, "If it is talking about the detail we want, you ain't seen nothin' yet."

This is a digest of public land laws, the laws under which our public lands are administered. There are 200 pages of index in this volume, each line covering a different public land law. The Public Land Law Review Commission, after surveying tens of thousands of pages, published a report of recommendations dealing with this subject. That Public Land Law Review Commission, since it is associated with this subject, knows that there must be a change in law. Its motivation to give public representation, consumer representation, taxpayer representation, is as sincere as that of any advocate on the floor today.

This is the significant thing about this specific instance. The public property is excluded from the General Administrative Procedures Act, and therefore there is no procedures act governing all of these public land laws. The administrative implementation is only or largely a multitude of unrelated but factually distinguishable cases of adjudications. Most of these adjudications, these actions, are informal. They are informal. They are initiated by filing with an appropriate official an application for a right or privilege, or the submittal of a bid under law.

Now, here is the different side of this, and here we have an individual citizen who files an application and makes a bid. Under the law that individual citizen has a right. Under the Constitution he has a civil right.

May I point out that someone was talking about delays a moment ago. We have delays from 2 to 10 years in the adjudication of the simple matters at the present time. As soon as that matter is turned over to the Department of the Interior and to the Bureau of Land Management, the matter is largely out of the hand of the applicant, and thus the civil right of this individual is being violated.

Let me point out to those interested in these blackguard corporations, the only possible result of this bill without the Fuqua amendment is to make certain that only the large corporations of this Nation, who have the time and the money and the resources, will ever get to use any public land resources, because the little guy cannot stand this kind of further delay which comes with the further delays in the tangential fashion introduced by this new provision.

Here we are passing the buck again. The law should be the basis of regulation. Right now we have pending H.R. 10049 which seeks to do this. The Secretary of the Interior in all his decisions would have to take these matters into consideration:

First. The use of a systematic interdisciplinary approach, including the physical and biological and economic and social sciences.

That is the general statement. What do we mean by it? We mean the Secretary has to consider the relative values involved and the availability of alternate needs, including the needs for recycling, and he has to weigh the long-term public benefits against the immediate or local benefits, and he has to weigh land reclamation as a condition of use and the posting of performance bonds to restore the environment. He has to have revocation authority over licenses and so on.

Under this law which we could pass, for every agency of the Government we would know exactly what was required of the Government and we would not have to have this case-by-case proceeding. We would have a rulemaking authority which does not have to come after the fact. This is what we could do.

Let me point out what complication comes by this kind of process. Let us

look at the forests and the public lands, the Forest Service. It is to the taxpayers' advantage to get the highest price on the sale of the timber from the public lands. That is in the taxpayers' interest. We represent consumers, yes, but we also represent taxpayers. But if that higher price for the taxpayer means a higher end price to the consumer, what happens? Here we have environment protectionists siding with the consumer agencies, and not an individual against the Government.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KYL was allowed to proceed for 2 additional minutes.)

Mr. KYL. Mr. Chairman, under this act without the Fuqua amendment, instead of having an individual and Government involved in these procedures in the public land sector, we now have Government fighting Government to the exclusion of the individual who brought the matter to the Government in the first case.

A few of the gentlemen previously have mentioned the fact that the bill is not the way to accomplish the purposes which are intended to result from this legislation. If the Fuqua amendment fails, because this Interior Department Public Land Management sector is so different from many other departments of Government, I would have to introduce an amendment which would remove that Department from the considerations under this bill. I hope that I would not have to do that and, that the Fuqua amendment which brings some sense into this picture could be adopted.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that any Member who wishes to do so may extend his remarks in the RECORD today on the bill H.R. 10835.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9844, MILITARY CONSTRUCTION AUTHORIZATION, 1972

Mr. PRICE of Illinois, on behalf of Mr. HÉBERT, filed the following conference report and statement on the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-566)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating. or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $10,750,000.
Fort Knox, Kentucky, $775,000.
Fort Lee, Virginia, $5,192,000.
Fort George G. Meade, Maryland, $1,690,000.

(Third Army)

Fort Benning, Georgia, $2,185,000.
Fort Bragg, North Carolina, $9,631,000.
Fort Campbell, Kentucky, $9,996,000.
Fort Rucker, Alabama, $437,000.

(Fourth Army)

Fort Bliss, Texas, $626,000.
Fort Hood, Texas, $23,435,000.
Fort Sam Houston, Texas, $9,694,000.
Fort Sill, Oklahoma, $940,000.

(Fifth Army)

Fort Carson, Colorado, $23,172,000.

(Sixth Army)

Fort Lewis, Washington, $3,931,000.
Fort Ord, California, $2,174,000.
Presidio of San Francisco, $10,498,000.

(Military District of Washington)

Fort Myer, Virginia, $2,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $2,048,000.

Aeronautical Maintenance Center, Texas, $4,730,000.

Harry Diamond Laboratory, Maryland, $9,035,000.

Letterkenny Army Depot, Pennsylvania, $319,000.

Redstone Arsenal, Alabama, $879,000.

White Sands Missile Range, New Mexico, $1,264,000.

Yuma Proving Ground, Arizona, $2,921,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

East Coast Relay Station, Maryland, $326,000.

Fort Huachuca, Arizona, $2,580,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas, $2,551,000.

Walter Reed Army Medical Center, District of Columbia, $112,500,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Sunny Point Military Ocean Terminal, North Carolina, $305,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $1,718,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, $4,787,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $30,000,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement Facilities, $34,946,000.

Various locations: Water Pollution Abatement Facilities, $34,791,000: *Provided*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Panama area, Canal Zone, $8,026,000.

UNITED STATES ARMY, PACIFIC

Kwajalein missile range, $2,507,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,221,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $12,500,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations, $174,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $1,946,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $15,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, if the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Joliet Army Ammunition Plant, Illinois", strike out "$2,188,000" and insert in place thereof "$2,391,000".

(b) Public Law 90-408, as amended, is

amended by striking out in clause (1) of section 802 "$366,499,000" and "$453,651,000" and inserting in place thereof "$366,702,000" and "$453,854,000", respectively.

SEC. 104. (a) Public Law 94–142, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Hancock, New Jersey", strike out "$625,000" and insert in place thereof "$693,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (1) of section 702 "$186,591,000" and "$290,726,000" and inserting in place thereof "$186,659,000" and "$290,794,000", respectively.

SEC. 105. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) With respect to "Carlisle Barracks, Pennsylvania", strike out "$503,000" and insert in place thereof "$658,000".

(2) With respect to "Badger Army Ammunition Plant, Wisconsin", strike out "$1,604,000" and insert in place thereof "$2,234,000".

(b) Public Law 91–511 is amended by striking out in clause (1) of section 602 "$179,717,000" and "$264,914,000" and inserting in place thereof "$180,502,000" and "$265,699,000".

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Radio Station, Cutler, Maine, $161,000.

Naval Security Group Activity, Winter Harbor, Maine, $94,000.

Naval Station, Newport, Rhode Island, $1,660,000.

Naval Underwater System Center, Newport, Rhode Island, $665,000.

Naval Air Station, Quonset Point, Rhode Island, $3,511,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $3,830,000.

Naval Submarine Medical Center, New London, Connecticut, $668,000.

Naval Ammunition Depot, Earle, New Jersey, $383,000.

FOURTH NAVAL DISTRICT

Naval Home, Philadelphia, Pennsylvania, $991,000, and/or at such other installation or site as shall be approved by the Committees on Armed Services of the Senate and the House of Representatives.

Naval Air Development Center, Warminster, Pennsylvania, $304,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $8,400,000.

Naval Medical Research Institute, Bethesda, Maryland, $4,500,000.

Naval Ordnance Station, Indian Head, Maryland, $1,307,000.

Naval Air Test Center, Patuxent River, Maryland, $321,000.

Naval Ordnance Laboratory, White Oak, Maryland, $1,397,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $85,000.

CINCLANTFLT Headquarters, Norfolk, Virginia, $4,201,000.

Naval Air Rework Facility, Norfolk, Virginia, $6,226,000.

Naval Communication Station, Norfolk, Virginia, $884,000.

Navy Public Works Center, Norfolk, Virginia, $1,565,000.

Naval Shipyard, Norfolk, Virginia, $1,880,000.

Naval Station, Norfolk, Virginia, $19,316,000.

Naval Air Station, Oceana, Virginia, $6,240,000.

Naval Weapons Station, Yorktown, Virginia, $2,067,000.

Naval Radio Station, Sugar Grove, West Virginia, $260,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,603,000.

Naval Security Group Activity, Homestead, Florida, $439,000.

Naval Air Station, Jacksonville, Florida, $6,930,000.

Naval Air Station, Pensacola, Florida, $8,380,000.

Naval Air Station, Saufley Field, Florida, $505,000.

Naval Air Station, Whiting Field, Florida, $2,278,000.

Naval Air Station, Glynco, Georgia, $5,656,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $3,008,000.

Naval Air Station, Meridian, Mississippi, $3,266,000.

Navy Commissary Store, Meridian, Mississippi, $270,000.

Naval Hospital, Charleston, South Carolina, $754,000.

Naval Shipyard, Charleston, South Carolina, $7,602,000.

Naval Station, Charleston, South Carolina, $929,000.

Naval Air Station, Memphis, Tennessee, $1,770,000.

Naval Hospital, Memphis, Tennessee, $262,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Kingsville, Texas, $90,000.

NINTH NAVAL DISTRICT

Navy Electronics Supply Office, Great Lakes, Illinois, $323,000.

Naval Hospital Corps School, Great Lakes, Illinois, $3,161,000.

Naval Training Center, Great Lakes, Illinois, $2,386,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $447,000.

Naval Amphibious Base, Coronado, California, $1,557,000.

Naval Amphibious School, Coronado, California, $137,000.

Naval Hospital, Long Beach, California, $15,092,000.

Naval Air Station, Miramar, California, $5,081,000.

Naval Air Station, North Island, California, $8,557,000.

Naval Station, San Diego, California, $1,886,000.

Navy Submarine Support Facility, San Diego, California, $2,878,000.

Naval Training Center, San Diego, California, $1,349,000.

Naval Weapons Station, Seal Beach, California, $714,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $4,716,000.

Naval Schools Command, Mare Island, Vallejo, California, $1,338,000.

Naval Shipyard, Mare Island, Vallejo, California, $394,000.

Naval Communication Station, San Francisco, California, $155,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Puget Sound, Bremerton, Washington, $2,677,000.

Naval Torpedo Station, Keyport, Washington, $2,496,000.

Naval Air Station, Whidbey Island, Washington, $3,294,000.

FOURTEENTH NAVAL DISTRICT

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $2,202,000.

Naval Ammunition Depot, Oahu, Hawaii, $78,000.

Fleet Submarine Training Facility, Pearl Harbor, Hawaii, $501,000.

Naval Shipyard, Pearl Harbor, Hawaii, $1,384,000.

Naval Station, Pearl Harbor, Hawaii, $3,967,000.

SEVENTEENTH NAVAL DISTRICT

Naval Facility, Adak, Alaska, $516,000.

Naval Station, Adak, Alaska, $9,025,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $4,434,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,783,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,610,000.

Marine Corps Air Station, Cherry Point, North Carolina, $3,607,000.

Marine Corps Air Station, New River, North Carolina, $3,364,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,417,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,444,000.

Marine Corps Air Station, Yuma, Arizona, $2,261,000.

Marine Corps Supply Center, Barstow, California, $678,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $593,000.

Marine Corps Base, Camp Pendleton, California, $11,210,000.

Marine Corps Air Station, El Toro, California, $838,000.

Marine Corps Air Station, Santa Ana, California, $908,000.

Marine Corps Recruit Depot, San Diego, California, $1,497,000.

Marine Corps Base, Twentynine Palms, California, $6,653,000.

Marine Corps Air Station, Kaneohe, Hawaii, $2,455,000.

POLLUTION ABATEMENT

Various Naval and Marine Corps Installations: Air Pollution Abatement Facilities, $15,474,000.

Various Naval and Marine Corps Installations: Water Pollution Abatement Facilities, $12,883,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Guantanamo Bay, Cuba, $3,579,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,983,000.

FIFTEENTH NAVAL DISTRICT

Naval Communication Station, Balboa, Canal Zone, $200,000.

Naval Security Group Activity, Galeta Island, Canal Zone, $516,000.

ATLANTIC OCEAN AREA

Naval Facility, Grand Turk, West Indies, $418,000.

Naval Station, Keflavik, Iceland, $5,800,000.

EUROPEAN AREA

Naval Security Group Activity, Todendorf, Germany, $377,000.

Naval Air Facility, Sigonella, Sicily, $1,371,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $4,794,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $75,000.

Naval Air Station, Agana, Guam, Marina Islands, $12,398,000.

Naval Communication Station, Guam, Mariana Islands, $1,823,000.

Naval Magazine, Guam, Mariana Islands, $993,000.

Naval Station, Guam, Mariana Islands, $3,385,000.

Naval Communications Station, Yokosuka, Japan, $258,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,892,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $1,280,000.

POLLUTION ABATEMENT

Various Naval Installations: Air Pollution Abatement Facilities, $488,000.

Various Naval Installations: Water Pollution Abatement Facilities, $7,412,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $3,733,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by change in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided,* That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$1,225,000" and insert in place thereof "$1,825,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,082,000" and "$245,947,000" and inserting in place thereof "$239,682,000" and "$246,547,000", respectively.

SEC. 205. (a) Public Law 91–142, as amended, is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$303,000" and insert in place thereof "$1,056,000".

(2) With respect to Naval Air Station, Alameda, California, strike out "$6,094,000" and insert in place thereof "$8,170,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (2) of section 702 "$276,794,000" and "$311,848,000" and inserting in place thereof "$279,623,000" and "$314,677,000", respectively.

SEC. 206. (a) Public Law 91–511 is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Ordnance Station, Indian Head, Maryland, strike out "$159,000" and insert in place thereof "$249,000".

(2) With respect to Marine Corps Recruit Depot, Parris Island, South Carolina, strike out "$112,000" and insert in place thereof "$210,000".

(b) Public Law 91–511 is amended by striking out in clause (2) of section 602, "$245,930,000" and "$268,898,000" and inserting in place thereof "$246,118,000" and "$269,086,000", respectively.

SEC. 207. (a) The Secretary of Defense is directed to prepare a detailed feasibility study of the advantageous alternative to the weapons training now being conducted in the Culebra Complex of the Atlantic Fleet Weapons Range. The Secretary shall determine the most advantageous alternative on the basis of investigations which consider cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors.

(b) The detailed feasibility study authorized by subsection (a) of this section shall be completed by December 31, 1972. Upon completion of the feasibility study, a report summarizing the study results together with the Secretary's recommendations shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives.

(c) There are hereby authorized to be appropriated such sums as are necessary for carrying out the studies required by subsections (a) and (b) of this section.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $1,453,000.

Tyndall Air Force Base, Panama City, Florida, $1,019,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Kansas City, Missouri, $782,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $19,311,000.

Kelly Air Force Base, San Antonio, Texas, $11,024,000.

McClellan Air Force Base, Sacramento, California, $727,000.

Newark Air Force Station, Newark, Ohio, $1,476,000.

Robins Air Force Base, Warner Robins, Georgia, $17,133,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $12,776,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $11,427,000.

Various locations, $275,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $1,244,000.

Brooks Air Force Base, San Antonio, Texas, $1,468,000.

Edwards Air Force Base, Muroc, California, $3,048,000.

Eglin Air Force Base, Valparaiso, Florida, $4,248,000.

Space and Missile Test Center, Lompoc, California, $84,000.

Satellite Tracking Facilities, $323,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $2,900,000.

Lackland Air Force Base, San Antonio, Texas, $2,564,000.

Laredo Air Force Base, Laredo, Texas, $331,000.

Laughlin Air Force Base, Del Rio, Texas, $579,000.

Lowry Air Force Base, Denver, Colorado, $8,435,000.

Mather Air Force Base, Sacramento, California, $2,891,000.

Randolph Air Force Base, San Antonio, Texas, $865,000.

Reese Air Force Base, Lubbock, Texas, $2,522,000.

Sheppard Air Force Base, Wichita, Falls, Texas, $9,893,000.

Vance Air Force Base, Enid, Oklahoma, $62,000.

Williams Air Force Base, Chandler, Arizona, $1,639,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $968,000.

Elmendorf Air Force Base, Anchorage, Alaska, $441,000.

Various Locations, $1,092,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,013,000.

Bolling Air Force Base, Washington, District of Columbia, $7,185,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $830,000.

Charleston Air Force Base, Charleston, South Carolina, $2,347,000.

Dover Air Force Base, Dover, Delaware, $5,223,000.

McChord Air Force Base, Tacoma, Washington, $1,556,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,004,000.

Norton Air Force Base, San Bernardino, California, $2,016,000.

Scott Air Force Base, Belleville, Illinois, $665,000.

Travis Air Force Base, Fairfield, California, $1,299,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $237,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $1,348,000.

Blytheville Air Force Base, Blytheville, Arkansas, $522,000.

Carswell Air Force Base, Fort Worth, Texas, $100,000.

Castle Air Force Base, Merced, California, $5,703,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $1,326,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $1,445,000.

Fairchild Air Force Base, Spokane, Washington, $104,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $514,000.

Grissom Air Force Base, Peru, Indiana, $95,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $839,000.

Loring Air Force Base, Limestone, Maine, $1,980,000.

Malmstrom Air Force Base, Great Falls, Montana, $522,000.

Minot Air Force Base, Minot, North Dakota, $1,564,000.

Offutt Air Force Base, Omaha, Nebraska, $1,295,000.

Pease Air Force Base, Portsmouth, New Hampshire, $8,205,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $128,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $456,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $440,000.

Various locations, $928,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,559,000.

Cannon Air Force Base, Clovis, New Mexico, $290,000.

George Air Force Base, Victorville, California, $547,000.

Holloman Air Force Base, Alamogordo, New Mexico, $7,067,000.

Homestead Air Force Base, Homestead, Florida, $1,421,000.

Langley Air Force Base, Hampton, Virginia, $1,968,000.

Little Rock Air Force Base, Little Rock, Arkansas, $150,000.

Luke Air Force Base, Phoenix, Arizona, $3,269,000.

MacDill Air Force Base, Tampa, Florida, $3,268,000.

McConnell Air Force Base, Wichita, Kansas, $232,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $2,060,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $446,000.

Nellis Air Force Base, Las Vegas, Nevada, $1,171,000.

Shaw Air Force Base, Sumter, South Carolina, $1,473,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $434,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $2,200,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $15,220,000.

Various Locations, Water Pollution Abatement Facilities, $7,820,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $2,017,000.

PACIFIC AIR FORCES

Philippine Islands, $129,000.

Ryukyu Islands, $1,388,000.

Korea, $478,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $850,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $1,254,000.

United Kingdom, $585,000.

Various Locations, $1,192,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, $985,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $11,985,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $10,000,000: *Provided,* That the Secretary of the Air Force or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Sacramento Peak Upper Air Research Site, New Mexico, strike out "$3,167,000" and insert in place thereof "$3,410,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 "$162,287,000" and "$491,969,000" and inserting in place thereof "$162,530,000" and $492,212,000", respectively.

SEC. 305. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "MILITARY AIRLIFT COMMAND" with respect to Travis Air Force Base, Fairfield, California, strike out "$6,047,000" and insert in place thereof "$6,946,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$314,578,000" and "$400,950,000" and inserting in place thereof "$315,437,000" and "$401,849,000", respectively.

SEC. 306. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Minot Air Force Base, Minot, North Dakota, strike out "$134,000" and insert in place thereof "$330,000".

(b) Public Law 91–511 is amended by striking out in clause (3) of section 602 "$191,937,000" and "$256,189,000" and inserting in place thereof "$192,133,000" and "$256,385,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico, $662,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing System Office, Dayton, Ohio, $143,000.

Defense Construction Supply Center, Columbus, Ohio, $1,569,000.

Defense Depot, Mechanicsburg, Pennsylvania, $1,209,000.

Defense Depot, Memphis, Tennessee, $136,000.

Defense Depot, Ogden, Utah, $1,452,000.

Defense Depot, Tracy Annex, Stockton, California, $100,000.

Defense General Supply Center, Richmond, Virginia, $432,000.

Defense Industrial Supply Center, Philadelphia, Pennsylvania, $541,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $134,000.

DSA Subsistence Regional Headquarters, Alameda, California, $268,000.

Various locations, Air Pollution Abatement Facilities, $1,317,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,638,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000; *Provided,* That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand five hundred and seventy-eight units, $40,784,900:

Fort Carson, Colorado, two hundred units.

Fort Gordon, Georgia, two hundred units.

United States Army Installations, Oahu, Hawaii, three hundred units.

Camp Drum, New York, eighty-eight units.

Fort Bragg, North Carolina, one hundred and fifty units.

Carlisle Barracks, Pennsylvania, sixty units.

Fort Jackson, South Carolina, three hundred units.

Fort Hood, Texas, two hundred eighty units.

(2) The Department of the Navy, four thousand two hundred fifty-four units, $107,146,000:

Naval Complex, East Bay, San Francisco, California, three hundred units.

Naval Complex, Long Beach, California, three hundred units.

Marine Corps Base, Camp Pendleton, California, two hundred units.

Naval Complex, San Diego, California, six hundred units.

Naval Complex, District of Columbia, one hundred fifty units.

Naval Air Station, Jacksonville, Florida, three hundred units.

Naval Training Center, Orlando, Florida, four units.

Naval Air Station, Glynco, Georgia, one hundred thirty units.

United States Naval Installations, Oahu, Hawaii, four hundred units.

Naval Complex, Warminister, Pennsylvania, two hundred units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Charleston, South Carolina, two hundred and eighty units.

Naval Air Station, Memphis, Tennessee, one hundred units.

Naval Complex, Norfolk, Virginia, six hundred and forty units.

Naval Station, Roosevelt Roads, Puerto Rico, two hundred and fifty units.

Naval Complex, Subic Bay, Republic of the Philippines, two hundred units.

(3) The Department of the Air Force, three thousand six hundred units, $86,022,000.

Beale Air Force Base, California, two hundred units.

United States Air Force Academy, Colorado, two hundred units.

Ent-Peterson Air Force Base, Colorado, two hundred and fifty units.

Dover Air Force Base, Delaware, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Homestead Air Force Base, Florida, one hundred and sixty units.

Andrews Air Force Base, Maryland, four hundred and fifty units.

Offutt Air Force Base, Nebraska, three hundred units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Wright-Patterson Air Force Base, Ohio, five hundred units.

Shaw Air Force Base, South Carolina, five hundred units.

Woomera, Australia, ninety units.

(b) Trailer Court Facilities—

(1) The Department of the Navy, one thousand five hundred spaces, $4,500,000.

(2) The Department of the Air Force, eight hundred fifty spaces, $2,780,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Notwithstanding the limitations contained in prior military construction authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorization for construction of family housing and not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $10,367,000.

(2) for the Department of the Navy, $8,271,000.

(3) for the Department of the Air Force, $13,825,000.

(4) for the Defense Agencies, $205,000.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four family housing units in foreign countries at a total cost not to exceed $106,000. This authority shall include the authority to acquire lands and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense appropriations Acts.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1971 and 1972" in the first sentence and inserting in lieu thereof "1972 and 1973", (2) striking out "seven thousand five hundred" in the second sentence and inserting in lieu thereof "ten thousand", and (3) striking out "$190" and "$250" in the third sentence and inserting in lieu thereof "$200" and "$275", respectively.

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by (1) striking out "1971 and 1972" and inserting in lieu thereof "1972 and 1973", and (2) striking out "$185" and inserting in lieu thereof "$210".

SEC. 508. (a) Sections 4774(f) and 9774(f) of title 10, United States Code, are amended to read as follows: "(f) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively."

(b) Section 7574(d) of title 10, United States Code is amended to read as follows: "(d) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(c) Sections 4774(g), 7574(e), and 9774(g) of title 10, United States Code, are amended by inserting "or five-bedroom units" after "four-bedroom units".

SEC. 509. (a) Chapter 449 of title 10, United States Code, is amended by repealing section 4775 and by striking out the corresponding item in the analysis.

(b) Chapter 949 of title 10, United States Code, is amended by repealing section 9775 and by striking out the corresponding item in the analysis.

SEC. 510. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, for the United States Naval Academy, Annapolis, Maryland, five units, $125,000.

SEC. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $270,919,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $633,212,000.

TITLE VI—HOMEOWNERS ASSISTANCE

SEC. 601. In accordance with subsection 1013(i) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $7,575,000.

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, and VI, shall not exceed—

(1) for title I: Inside the United States, $363,126,000; outside the United States, $41,374,000; or a total of $404,500,000.

(2) for title II: Inside the United States, $266,068,000; outside the United States, $52,042,000; section 202, $3,733,000; or a total of $321,843,000.

(3) for title III: Inside the United States, $226,484,000; outside the United States, $8,878,000; section 302, $11,985,000; or a total of $247,347,000.

(4) for title IV: A total of $20,601,000.

(5) for title V: Military family housing, $904,131,000.

(6) for title VI: Homeowners assistance, $7,575,000.

SEC. 703. Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the

Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceeding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1972, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204), and all such authorizations contained in Acts approved before October 27, 1970, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1972, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorization for the following item which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $2,874,000 at Navy Public Works Center, Newport, Rhode Island, that is contained in title II, section 201 of the Act of July 21, 1968 (82 Stat. 373); and

(4) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223) authorizations for the following items which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $288,000 at Fort Hancock, New Jersey, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Utilities in the amount of $545,000 at Fort Wadsworth, New York, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(a) is amended by adding immediately before the period at the end thereof "or for a project which the Secretary of a military department determines will, within three years following completion of the project, result in savings in maintenance and operation costs in excess of the cost of the project".

(2) The catchline and text of section 2672, and the corresponding item in the analysis are amended by striking out "$25,000" wherever it appears and inserting in place thereof "$50,000".

(3) Section 2672 is amended by adding the following new sentence at the end thereof: "The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise.".

(4) Section 2677(b) is amended by deleting the last sentence thereof.

(5) Section 2662 is amended by deleting subsection (a)(3) and inserting in its place the following new subsection:

"(3) A lease or license of real property owned by the United States, if the estimated annual fair market rental value of the property is more than $50,000."

SEC. 708. (a) 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 section, in and to a certain 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 degree 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.0-foot wide easement to the city of El Paso, Texas, a distance of 95.0 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 1244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east into said section 2, a distance of 700.0 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1244.58 feet to a point on the north line of a 95.0-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 700.0 feet to the point of beginning.

(b) In consideration for the conveyance by the United States of the property described in subsection (a), 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 west 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 1116.62 feet to the point of beginning.

(c) The legal descriptions in subsections (a) and (b) 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.

(d) There shall be reserved to the United States in the conveyance of lands described in subsection (a) hereof the following—

(a) all mineral rights including gas and oil; and

(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 or 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.

(e) The conveyance of the property authorized by subsection (a) of this section shall be upon the following conditions:

(1) 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 occupany shall vest in the United States without payment of compensation therefor.

(2) 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.

(3) That the State, in accepting the conveyance from the United States authorized in subsection (a) 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.

(f) In executing the deed of conveyance authorized by this section, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in subsections (a) and (b) of this section.

(g) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this section shall be borne by the State of Texas.

(h) Notwithstanding in the provisions of section 3(b) of Public Law 91–202, approved March 4, 1970 (84 Stat. 20), structures and improvements which are to be replaced in kind at the expense of the city of El Paso, Texas, under such section, shall be constructed on land conveyed to the State of Texas under subsection (a) of this section instead of on the site designated in Public Law 91–202, but all other provisions of that law shall remain in full force and effect.

SEC. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

SEC. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1972".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $25,686,000.

(b) Army Reserve, $30,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $10,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $9,000,000.

(b) Air Force Reserve, $5,250,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1972."

And the Senate agree to the same.

F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
JAMES A. BYRNE,
SAMUEL S. STRATTON,
LESLIE C. ARENDS,
ALVIN E. O'KONSKI,
WILLIAM G. BRAY,
BOB WILSON,
CARLETON J. KING,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, Jr.,
HOWARD W. CANNON,
HARRY F. BYRD, Jr.,
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On July 22, 1971, the House of Representatives passed H.R. 9844 which is the fiscal year 1972 military construction authorization for the Department of Defense and Reserve components.

On August 5, 1971, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 9844, as passed by the House of Representatives, provided construction authorization to the military departments and the Department of Defense for fiscal year 1972 in the total amount of $2,144,348,000.

The bill as passed by the Senate provided new authorizations in the amount of $2,008,652,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 9844, the conferees agreed to a new adjusted authorizations for military construction for fiscal year 1972 in the amount of $1,986,323,000.

The Department of Defense and the respective military departments had requested a total of $2,259,444,000 for new construction authorization for fiscal year 1972. This amount included $183,570,000 for ABM related construction later transferred by the Senate to the military procurement bill. The action of the Conferees, therefore, reduces this departmental request by $89,107,000 rather than $272,677,000 as it would appear.

TOTAL AUTHORIZATION GRANTED, FISCAL YEAR 1972

Brief of authorizations

Title I—Army:	
Inside the United States	$363,126,000
Outside the United States	41,374,000
Section 102	0
Subtotal	404,500,000
Title II—Navy:	
Inside the United States	266,068,000
Outside the United States	52,042,000
Section 202	3,733,000
Subtotal	321,843,000
Title III—Air Force:	
Inside the United States	226,484,000
Outside the United States	8,878,000
Section 302	11,985,000
Subtotal	247,347,000
Title IV—Defense Agencies: Inside the United States	20,601,000
Title V—Military Family Housing	904,131,000
Title VI—Homeowners Assistance	7,575,000
Total, Titles I, II, III, IV, V, and VI	1,905,997,000
Title VIII—Reserve Components:	
Army National Guard	25,686,000
Army Reserve	30,300,000
Naval and Marine Corps Reserve	10,090,000
Air National Guard	9,090,000
Air Force Reserve	5,250,000
Total	80,326,000
Grand total granted by titles I, II, III, IV, V, VI, and VIII	1,986,323,000

Title I—Army

The House had approved construction in the amount of $571,130,000 for the Department of the Army. This included $172,500,000 for the Safeguard. The Senate approved construction for the Army in the amount of $397,279,000. This was a reduction of $173,851,000, but included the $172.5 million for the Safeguard system. The Safeguard funds, which were originally included in the House version of the bill, were transferred by the Senate to the military procurement authorization bill; and, therefore, Senate action resulted in an actual reduction from the House bill in the amount of $1,351,000.

The conferees agreed to a new total for title I in the amount of $404,500,000.

Among the items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Bragg, N.C.—Hospital addition, $7,258,000

The Senate deleted this particular project believing that due to fiscal restraints the item could be deferred. This addition will not provide any additional beds to this fine Army hospital, but will add much needed clinical facilities which are presently located in temporary buildings or are not provided at all. The House conferees pointed out that the average daily outpatient visits at the hospital are presently 2,066 compared to 966 when the hospital opened in fiscal year 1958.

The Senate receded.

Fort Hood, Tex.—Tactical equipment shops, $4,835,000

The House deleted the Army's request due to uncertainties of the TRICAP test division and its maintenance requirements. Senate conferees argued that a deficiency of 348,658 square feet existed at Fort Hood for adequate tactical equipment shops. Further, approval of this project will only provide 110,395 square feet of this deficiency. The Senate further pointed out that the considerable amount of work currently being performed in the out of doors could be better accomplished in modern shops, thus improving efficiency and improving troop morale.

The House receded.

Fort Carson, Colo.—Commissary, $2,129,000

Deferral of this project by the House was based on reasons of economy and to have a determination made as to whether or not the Army found it feasible to build commissaries with non-appropriated or surcharge funds.

It was pointed out in conference that the Army considered it essential that appropriated funds be provided to support a major portion of the much needed commissary construction because the amount of surcharge funds generated, over and above the mandatory reimbursements, are inadequate to support a viable program. Further, the deplorable condition of the existing commissary at Fort Carson makes it unsafe for continued use.

The House receded.

NATO infrastructure—Europe, $15 million

The House bill deleted $10 million from the requested $20 million for NATO infrastructure. The Senate included the full request. The conferees discussed this matter at length and approved a compromise figure of $15 million. Based upon the latest information, a carryover $45.4 million in authorization will be available at the beginning of fiscal year 1972. This carryover plus the $15 million agreed upon by the conferees will make available an estimated total authorization of $60.4 million which should be sufficient to fund the U.S. share of fiscal year 1972 obligations which are now estimated to be some $50 million. Therefore, the conferees felt that the Army will have sufficient authorization to be able to meet the U.S. commitments to this multinational program.

Title II—Navy

The House approved $318,716,000 in new construction authorization for the Department of the Navy. The Senate approved $330,183,000.

The conferees agreed to a new total in the amount of $321,843,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Submarine Base, New London, Conn.—Submarine repair support facility, $2,325,000.

The House deleted this particular project believing that sufficient capability for submarine repair already existed on the east coast. The Senate approved this project.

In conference, it was pointed out that the present facilities at New London were built for the repair of diesel submarines no longer in the fleet, are widely disbursed over the base, and undersized for today's workload. Further, it was pointed out that the naval submarine base at New London will be the primary homeport for one-fourth of the modern attack submarine force. The importance of high-quality work and safety assurance on these deep-diving vessels cannot be overemphasized.

The House receded.

U.S. Naval Home, Philadelphia, Pa., $991,000

Both the Senate and the House approved $991,000 requested by the Department of the Navy as a first increment for the repair and renovation of the Naval Home in Philadelphia. At the suggestion of the Navy, the Senate committee included in the bill language which will permit these funds to be used elsewhere with the specific approval of the Armed Services Committees of both Houses, if a more desirable and modern location can be found for this Home. The House conferees readily accepted this amendment because testimony and subsequent information revealed that these structures, built between 1833 and 1867, are beyond the stage of economical repair and are highly undesirable for continued use by the elderly occupants.

The Secretary of the Navy has advised both committees that regardless of whether or not the Home is moved, there is a need for $410,000 in fiscal year 1972 directly connected with the insuring of the safety of the residence. In light of this, the conferees of both the House and Senate unanimously agreed that not more than $410,000 of the funds authorized may be used to repair the present facilities without the specific approval of the Committees on Armed Services of both the House and the Senate. The conferees were unanimous in their opinion that any attempt to construct entirely new facilities for the Naval Home would be entirely too costly at this time; that the Navy should act promptly in relocating the Home at a more desirable location where existing Government-owned facilities may be adapted for use as a Naval Home at a reasonable cost.

Naval Air Rework Facility, Norfolk, Va.—Turbo fan engine test cells, $6,226,000

The House version of the bill omitted these test cells believing that sufficient capability for testing turbo fan engines existed in the present Navy facilities. The Senate included these test cells in their version of the bill.

The Senate conferees pointed out that Norfolk is the designated rework site for the J–52 jet engine in the A–4 and A–6 aircraft, the J–57 jet engine with afterburner and F–8 aircraft and the TF–30 turbo fan jet engine in the A–7 aircraft. The current and projected test workload for these engines will require full use of four jet engine test cells. Senate conferees insisted that it was most essential that this project be approved if Norfolk is to meet its jet engine test load and for the military to make progress in the elimination of pollution from test projects.

The House receded.

NCBC-Gulfport, Miss.—Mess Hall, Exchange, Chapel, $3,008,000

These projects were included in the House version of the bill but were not considered by the Senate. House conferees pointed out the necessity for these projects due to the severe damage done to this installation during Hurricane Camille which practically demolished the whole gulf coast 2 years ago; the NCBC, Gulfport, provides homeport and training facilities for over 5,000 personnel of the Atlantic Fleet Naval Construction Force; and existing structures are uneconomical to maintain and repair.

After full discussion of these projects, the Senate receded.

Naval Air Station, Miramar, Calif.—Jet Engine Test Cell, $965,000

The House of Representatives deleted the jet engine test cell in its original consideration of the bill because the justification stated that the project was associated with the F–14 aircraft. At the time of House consideration, the future of the F–14 aircraft was very uncertain and, therefore, the House deferred, without prejudice, this project. It was included in the Senate version of the bill.

During the conference, it was pointed out that the future of the F–14 was no longer in doubt as far as the current year's program was concerned, and, therefore, that particular reason for deferral was no longer valid. Further, the Senate conferees pointed out that the Naval Air Station, Miramar, could meet only 75 percent of its test cell workload by operating its two existing cells on a two-shift basis 5 days per week. It was further pointed out that failure to construct this facility as soon as possible will aggravate the noise pollution problem which is a major environmental issue at NAS, Miramar.

The House receded.

Naval Station, Pearl Harbor, Hawaii—Forge and Propellor Shop, $1,384,000

The House deferred without prejudice this project because it was felt that the work was being performed in existing facilities and could continue there another year without serious degradation of the mission of the shipyard.

In discussing this project it was pointed out that deferral of this project would perpetuate the inefficient propellor repair operation at the shipyard caused by the antiquated equipment, the archaic handling procedures and the poor shop layout. Further, this shipyard is a designated repair and overhaul facility for the propellor and shaft repair program of the entire Pacific area.

The House receded.

Section 207

The Senate added section 207 directing the Secretary of Defense to prepare a detailed study in connection with the Culebra Complex in the Atlantic Fleet Weapons Range.

This section was one of the most controversial items discussed in conference, since the complex has been the center of a controversy for the past 2 years.

Section (b) of the Senate provision directs in part that the study called for in section (a) "shall be done in sufficient detail as to provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites."

House conferees argued that this language appeared to be a mandate for moving away from the Culebra Complex even though the study to be done by the Secretary of Defense

might result in a finding that there was no alternative to this complex.

After a most thorough discussion of the matter, the Senate agreed to the House position and the above-quoted language was deleted.

The Senate receded.

Title III—Air Force

The House approved $222,299,000 in new construction authorization for the Department of the Air Force. The Senate approved $260,046,000.

The conferees agreed to a new total in the amount of $247,347,000.

Among the major items in conference which were resolved after much deliberation were the following:

Hill AFB, Utah—Ballistic Missile Support Equipment Overhaul Facility, $2,665,000

The House omitted this project from its bill believing that the requirements testified to could be deferred to a future program without impinging upon the mission in view of the fiscal restraints under which military departments are now operating.

During the conference, it was pointed out that this project provided complete facilities for repair of Minuteman and Titan ground support equipment. Work on transporters is presently uneconomically performed in widely dispersed 1940 version warehouses not suited for the large size equipment supporting the 1970 ICBM force. Existing buildings are beyond economical repair and will be razed upon completion of the project.

The House receded.

Robins AFB, Ga.—Depot A/C Overhaul Facility, $7,729,000

The House deleted this project and was of the opinion that the Air Force was proceeding too rapidly in their depot modernization program. The House committee felt that in view of the fact that the workload had not increased in the past 5 years, existing facilities could be utilized. During the conference, Senate conferees pointed out that the project is not an expansion of maintenance capacity but is the core to making the entire maintenance function at Robins AFB more cost effective. The proposed facilities will eliminate inefficient operations through the centralization and the accommodation of modern material handling equipment.

The House receded.

Wright-Patterson AFB, Ohio—Logistic management facility, $6,875,000

The House denied but the Senate approved $6,875,000 for a logistics management facility at the Wright-Patterson Air Force Base in Ohio. The House conferees were adamant in their position that the facilities now in use can be utilized another year and that the funds requested for a new facility may better be used this year for other more pressing needs, such as depot modernization.

The Senate conferees reluctantly receded to the House position but pointed out that the logistics command manages annual expenditures in excess of $10 billion, that they have assembled a highly competent staff that is operating under most undesirable and crowded conditions. In order to relieve this congestion somewhat, they are utilizing two substandard, World War II wooden frame buildings. It was agreed that a new structure should be provided for in a future construction program.

The Senate receded.

AEDC, Tennessee—Propulsion engine test facility, $917,000

The House included the engine test facility, but the Senate excluded this project in their bill. During the conference, House conferees pointed out that this project is for the replacement of six exhaust gas coolers which have been in operation for 17 years. The exhaust coolers, in their present condition, limit the performance capability to the engine test facility exhauster system, making the test capability very much degraded. Replacement of these coolers would restore the original altitude capability and provide the facility with its original test capability.

The Senate receded.

McGuire AFB, N.J.—Addition to passenger terminal, $921,000

In its original consideration of the bill, the Senate deleted this project and stated that since it was of relatively low priority on the list of projects, it could be deferred. House conferees pointed out that seven out of nine aircraft serving the McGuire terminal are DC–8 stretched-jets. When two of these aircraft simultaneously load/unload, approximately 438 passengers plus relatives and friends are massed into a structure originally designed for only 200 passengers. The resultant turmoil presents an untenable situation.

The Senate receded.

Goodfellow AFB, Tex.—Crypto training facility, $2,200,000

This project was added by the House because in their review of the Air Force program, it was determined that the project was of sufficient urgency to warrant current consideration. This facility provides instruction in basic signal intelligence skills and specific skills associated with the operation and maintenance of associated electronic equipment to both officers and enlisted personnel of the Army, Navy, and Air Force. The existing facilities were not designed for their current use and do not provide adequate or authorized square footage.

The Senate receded.

Title IV—Defense agencies

Defense Depot, Mechanicsburg, Pa.—Lighting and Improvements to Building, $722,000

The House deleted this project during its consideration, but it was included in the Senate bill. During conference, the Senate conferees convinced the House conferees that improved efficiency would result from the proposed rehabilitation of these facilities.

The House receded.

Section 402

The Department of Defense requested $15 million for the Secretary of Defense's emergency fund. The House committee pointed out to the Department of Defense witnesses during the hearings that this fund had been used, in the past, for projects not contemplated when the fund was originally set up. Even though the witnesses assured the House committee that tighter control will be put into effect, the House felt that a cut of $5 million would not be detrimental to the Department of Defense.

The Senate, in its deliberations, felt a cut of $2,500,000 was sufficient.

During the conference, the House conferees pursuaded the Senate conferees that the $5 million reduction did not impair the defense posture of the United States.

The Senate receded.

Title V—Military family housing

The administration requested $919,200,000 for all costs of family housing. This includes the cost of operation and maintenance of existing housing, debt payment on former Capehart and Wherry programs, servicemen's mortgage insurance payments, etc., and some 9,684 units of new housing. While the Department's program averaged out at $24,500 per unit, they did propose a new concept in the pricing of unit cost; namely, the establishment of a unit cost based upon the rank of the occupants to the so-called 5-foot line. This would have excluded the cost of site development, the cost of land, and the cost of utilities beyond 5 feet of the house. This concept was not acceptable to either the House or the Senate. since it is believed an average unit cost is desirable if proper control is to be maintained over the housing program.

In lieu of this new concept, the Department asked for an increase in an average unit cost of housing. Within the United States, other than Alaska and Hawaii, they asked for an increase in the average cost from $23,000 to $24,500 per unit with an absolute unit cost increase of from $40,000 to $45,000. Outside the United States, including Alaska, Hawaii, and Puerto Rico, they asked for an average unit cost of $35,000 as opposed to the current $32,000, with an increase in the absolute cost of a unit of $5,000 over the current limit of $40,000.

Rather than increase the unit cost, the House in their deliberations, chose to maintain the existing unit costs, but in lieu of reducing the funds requested, added some 665 additional units of housing which were to be constructed within the amount allowed.

The Senate was convinced that some increase in the unit cost was desirable in view of the past building cost increase and an anticipated limited increase in the future. Accordingly, the Senate was granted a new average unit cost within the United States, other than Alaska and Hawaii, of $24,000 with an absolute cost of $42,000. Outside the United States, including Alaska, Hawaii, and Puerto Rico, the Senate granted a new unit cost of $35,000 with an absolute cost of $42,000. Likewise, the Senate deleted 430 units of housing for the antiballistic missile sites in North Dakota and Montana having transferred them to the military procurement authorization bill along with other Safeguard costs in order that all costs of the Safeguard system could be considered in one bill.

After considerable discussion and a review of the building cost index, the House acceded to the Senate position with the exception of 88 units of housing for Camp Drum, N.Y., which the Senate conferees agreed were thoroughly justified. Likewise, the conferees unanimously agreed to the inclusion of 90 units of housing for a highly classified mission in Australia which were requested by the Air Force subsequent to the submission of the bill to the Congress. No additional funds were added for the housing at Camp Drum or in Australia since they will be accomplished out of savings in the family housing account.

In summary, the conferees unanimously agreed on a new authorization for all costs of family housing of $904,131,000 which includes the construction of 9,432 units of military family housing.

Title VII—General provisions

The House added a provision amending chapter 159 of title 10, United States Code, to prevent the lease or license of real property owned by the United States where the estimated fair market value of the property is more than $50,000 without congressional notification. This amendment was not included in the Senate bill.

After discussion as to the possibility and technical feasibility of the U.S. Government leasing certain property for $1 per year when its estimated fair market value would be $1 million dollars per year without Congressional notification, the Senate agreed to go along with the House amendment.

The Senate receded.

The Senate added section 708 authorizing the Secretary of the Army to convey to the State of Texas certain lands at the Fort Bliss

Military Reservation in exchange for certain other lands. The House of Representatives passed H.R. 2566 on Monday, October 4, containing the identical language in Section 708 as added by the Senate. Therefore, in order to prevent further legislative action on H.R. 2566, the House agreed to the inclusion of Section 708.

The House receded.

F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
JAMES A. BYRNE,
SAMUEL S. STRATTON,
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STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

PERSONAL ANNOUNCEMENT

(Mr. EDMONDSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDMONDSON. Mr. Speaker, my return to Washington from Oklahoma yesterday was unavoidably delayed due to several developments, including an airplane equipment failure, with the result that I missed the rollcall vote on House Joint Resolution 208, the Equal Rights Amendment.

Had I been present, Mr. Speaker, I would have voted for this resolution, and against any crippling amendments to it.

I regret very much missing these important votes.

EVE EDSTROM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, it was with profound sorrow and regret that we learned late this afternoon of the death of Mrs. Eve Edstrom, a prize-winning reporter with the Washington Post for 20 years.

Mrs. Edstrom died in her home last night of cancer. She was 48 years old. Many of us here in Congress recall Mrs. Edstrom's perceptive and highly skilled reporting. She had visited my committee many times and I never ceased to respect her outstanding ability to grasp a complicated piece of legislation and translate its meaning to her readers in a manner for all to understand.

Covering the Hill is no sport for the weak. The legislation is highly complex and frequently challenges lucid understanding.

Yet, Mrs. Edstrom had that unique ability to fight deadlines and bring details of a complex story in a manner that did credit to the entire journalism profession.

Eve Edstrom joined the Post in 1951 after working for the Louisville Journal for 6 years.

She was president of the Women's National Press Club, while her husband, Ed Edstrom, was president of the National Press Club in the early 1960's.

Among the awards Mrs. Edstrom won were three Washington Newspaper Guild Awards, the Heywood Broun Award and the Catherine O'Brien Award for a series on relief and unwed mothers.

The Washington Post has lost an outstanding journalist and we here in Congress have lost a highly skilled communicator who brought meaning and understanding to her readers of the highly complex nature of Congress.

We shall miss her integrity; her honesty; and above all, her profound skill as a journalist.

I extend to her family my profound sorrow.

CONSUMER PROTECTION AGENCY

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, today the House of Representatives will cast an historic vote. It is one of those votes that will be discussed when the Congress is rated on its willingness to reorder its priorities. It is a subject that will be discussed when Congress efforts to provide relief to the harried consumers of this Nation are examined. And it is a vote that is being watched closely across the Nation by those who have been duped, cheated, conned, and otherwise sold inferior merchandise in the Nation's marketplaces.

Today the House votes on creating a Consumer Protection Agency.

The bill as reported by the Government Operations Committee will create just such an agency but its powers to protect, in some respects, will be miniscule and next to useless.

I will offer an amendment to strengthen this bill.

The Washington Post in its editorial today entitled "Consumer Protection: A Key Vote in the House," talks about the Moorhead amendment:

> Decisive to the outcome is an amendment—offered by William Moorhead (D-Pa.)—that would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures. Strangely, when an idea is forwarded to put the buyer on equal footing with the seller, this somehow is seen as radical. Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

I include this editorial in the RECORD now and urge the House to support my amendment today:

CONSUMER PROTECTION: A KEY VOTE IN THE HOUSE

Rarely does a day pass that news of a marketplace deception, fraud or "mistake," is not reported. It might be poisoned soup yesterday, dangerous drugs or toys being banned by the Food and Drug Administration today, or another recall announcement of potentially unsafe cars tomorrow. The businessmen or corporations are quick to say that their particular offense was most certainly a rare lapse. This may be true enough. But from the consumer viewpoint some kind of stronger protection is needed by way of reassurance. Representative Benjamin Rosenthal (D N.Y.) and other consumer-minded law-makers have been working on legislation that would create this crucial aid—an independent Consumer Protection Agency. The idea has been in the works for years, and the House Hill will vote today on the legislation.

The issue is not so much whether or not an agency will be established; the Senate last year approved the general idea by a vote of 74–4 and this year a bill came out of committee 24–4. Instead, the test is whether the agency will be given strong or only token powers. The administration, Representative Chet Holifield, chairman of the Government Operations Committee, and a number of commerce lobbies are taking the cosmetic approach—an agency that would look and sound powerful but in fact would be weak. Defending the weaknesses he has helped put into the legislation, chairman Holifield said: "Any person who votes against this bill as it is now constituted . . . is voting against the consumers of America, and their chance to really get started in this field." Get started? Where has Mr. Holifield been the past few years? The consumer movement has been building in such impact and breadth that a strong protection agency is now needed as a climax, not a beginning. Those who are working for strength include such consumer allies as The Consumer Federation of America, Ralph Nader, Common Cause, Mr. Rosenthal and 16 members of the Government Operations Committee.

Decisive to the outcome is an amendment—offered by Williams Moorhead (D-Pa.)—that would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures. Strangely, when an idea is forwarded to put the buyer on equal footing with the seller, this somehow is seen as radical. Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

HISTORIC MONUMENTS PRESERVATION BILL WILL SAVE OLD CUSTOMHOUSE

(Mrs. ABZUG asked and was given permission to address the House for 1 minute; to revise and extend her remarks and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am today

introducing a bill which would permit State and local governments to take over and maintain historic properties without undue burden on their meager financial resources. The measure would provide that when the Federal Government determines that surplus Federal property is suitable for use as an historic monument and conveys it to a State or local government, the grantee may permit commercial use of the property if such use is compatible with use of the property for historic monument purposes.

Under the Surplus Property Act of 1944, surplus Federal properties are conveyed without cost to the States and local governments for historic preservation. However, no commercial uses have been heretofore allowed. Because expenses of rehabilitation and maintenance in old structures are particularly high, preservation of a site is often not feasible unless some revenue-producing use of the property can be made. By permitting such uses in limited, carefully controlled circumstances, it may be possible to develop and maintain certain historic monument sites which would otherwise be left to deteriorate or be demolished to make way for new construction.

One such structure is the New York Customs House, located in my district at the southern tip of Manhattan. Designed by Cass Gilbert and constructed in the early part of this century, this seven-story French-style building may be lost to posterity if this bill is not enacted. The Federal Government may soon declare it as surplus property, and the city of New York cannot afford to maintain it unless it produces some revenue. The use of a portion of the building for appropriate and compatible commercial purposes would enable the use of the remainder for such cultural and educational activities as a museum, study programs, lectures, and research.

Determination of which commercial activities are appropriate will be made by the Secretary of the Interior, who approves the grantee's plan to repair, rehabilitate, restore, and maintain the property. The professional judgment of the Advisory Board on National Parks will prevent any frivolous or improper use of the properties, as well as insuring that only those monuments truly worthy of preservation will be considered for conveyance.

The Administrator of the General Services Administration further approves the grantee's plan for financing and payment to the United States of the fair property value, such payment to come from the income received from the commercial use of the property after recovery of all costs to the grantee of restoration and maintenance. Any extra revenue produced by the monument above and beyond that paid to the Federal Government must be used by the grantee for park and recreational purposes.

The bill would grant the real and personal property to the State or local governmental grantee for use as an historic monument in perpetuity, abolishing the 20-year limitation in existing law. Furthermore, the measure removes the requirement that surplus properties have an historic significance going back at least 50 years before their being declared surplus.

Far too often, monuments worth preserving for their architectural or historic value are lost to posterity because there is no money available to maintain them; in other instances, such structures are turned into unbearable tourist traps. This measure would prevent either fate from befalling properties conveyed under its provisions, and I hope that my colleagues will give it their full support.

The text of the bill follows:

H.R. —

A bill to facilitate the preservation of historic monuments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(3) as section 203(k)(4) and by adding a new 203(k)(3) as follows:

"(k)(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled 'An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (49 Stat. 666), and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features.

"(A) The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public park or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

"(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) may contain such additional terms, shall be used and maintained for historic monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(C) 'States' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

SEC. 2. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is repealed.

SURFACE TRANSPORTATION ACT OF 1971

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I am today reintroducing, with the cosponsorship of Mr. BLANTON, Mr. BYRON, Mr. CARTER, Mr. HELSTOSKI, Mr. METCALFE, Mr. PICKLE, Mr. PODELL, Mr. ROY and Mr. SCHMITZ, the "Surface Transportation Act of 1971." This bill, originally introduced as H.R. 10146, was initially referred to the Ways and Means Committee, because it contained an investment tax credit title and other tax provisions. Because the recently passed economic legislation included an investment credit, and because the remainder of provisions in the legislation fall more appropriately under the jurisdiction of the House Interstate and Foreign Commerce Committee, I am today reintroducing this legislation without any tax titles or sections.

Upon original introduction I stated that I believed that this bill would begin the process of restoring this Nation's surface transportation system, a revitalization necessary for a healthy interstate commerce and a strengthened American economy. That statement is certainly as true today as it was then, and I hope that this legislation will accomplish that purpose.

Upon original introduction I also pointed out that although this bill pertains to regulated surface transportation, it is my strong personal feeling that a number of its provisions should be made applicable to air transportation. In this regard, I am presently reexamining title I and other sections in view of the very difficult capital situation facing some of our Nation's regulated airlines. It has long been my belief that this Nation's transportation system must be assessed—and improved—as a total system, with each of its parts interrelating and interacting efficiently. I would hope the committee might agree when it considers this legislation.

Mr. Speaker, this bill reflects the best efforts of the railroads, the truckers, and water carriers to lay aside their differences and to develop a program improving the ability of transportation to carry out its essential public function. The air transport section of our transportation system is now also examining the bill.

I am under no illusion that this bill will solve all of our transportation ills. But I believe it will make an effective beginning. I hope that each Member of Congress concerned about the future of our transportation system will have an opportunity to review and consider this legislative proposal.

THE PASSING OF GEN. LEWIS PULLER, OUR MOST DECORATED MARINE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, throughout the country front pages of our newspapers yesterday carried the sad news of the death of Gen. Lewis Puller, our most decorated marine. Such attention befits the memory of this outstanding military leader.

Gen. Lewis Puller will long be remembered by the men who served under him, not for the awards he won, but for the attention and understanding he gave them. Some of my constituents who served under him have told me of the deep concern he had for them. He worked them hard, they said, but he wanted them to get the best care and the best breaks. He was brave and was a constant, unfailing example for his men.

This same sentiment was expressed by Gen. Lewis Walt, former assistant commandant of the Marine Corps, who had fought alongside General Puller and was his lifelong friend.

General Walt said:

> No braver man ever took the field. He was absolutely cool under fire. His rule was to hit the enemy with all you've got at the right time and in the right place. His first concern was always the enlisted men. He loved them, and I believe they loved him. He didn't send them into battle, they followed him in.

General Puller had a very characteristic stance with his chest out and military "brace" in great evidence, thus he became known as Chesty, a name by which his men affectionately called him thereafter.

He served 37 years with the corps, starting as a private. He enlisted in 1918 and retired in 1955 because of ill health. He was 73 when he died at a Veterans' Administration hospital in Hampton, Va., Monday night.

Chesty Puller won 56 decorations. He served in Haiti, Nicaragua, and China in between World Wars. In both World War II and Korea he had Marine commands, and he received numerous wounds during battles, but refused to give up the fight ever.

My friends tell me that he was not afraid to face the enemy, nor his superiors. He was a superb battlefield commander, but because he was not afraid to disagree and because he was outspoken, his general's stars came late in his career. His first star was awarded in 1951, and his second in August 1953, after he was sent stateside to training commands. He received his third star at his retirement in 1955, and he continued to watch our military posture and our involvement around the world.

Because of his great concern and his devotion to his country and his men, he will remain in the pages of history as an outstanding example among military leaders. We are sorry he has gone and pray that future generations will heed his examples.

THE LATE HONORABLE BOURKE B. HICKENLOOPER

The SPEAKER pro tempore (Mr. PUCINSKI). Under a previous order of the House, the gentleman from Iowa (Mr. GROSS) is recognized for 60 minutes.

Mr. GROSS. Mr. Speaker, on September 9, in Cedar Rapids, Iowa, former U.S. Senator Bourke B. Hickenlooper, 75, was buried.

Thus came to an end the career of one of Iowa's most distinguished and popular sons.

"Hick," as he was popularly known, spent almost half his life in the service of the people of both Iowa and the Nation and his accomplishments were many.

He was a coauthor of the Atomic Energy Act of 1954, the law that enabled the commercial development of atomic energy. He served as chairman of the Joint Committee on Atomic Energy.

As the ranking minority member of the Senate Foreign Relations Committee, he was instrumental in the 1967 consular treaty with the Soviet Union and, in an age when the State Department is notable for allowing foreign nations to push this country around, it was the Hickenlooper amendment to the 1961 Foreign Assistance Act that provided for termination of aid to any nation that expropriates American-owned property and fails to pay for it within 6 months.

A stanch Republican, his party honored him by making him chairman of the Republican Policy Committee from 1962 to 1968, when he retired from public life.

Even before he came to Washington, Senator Hickenlooper was devoting himself to the people of his State. He served two terms in the Iowa Legislature, was twice Lieutenant Governor of the State, and served as Governor before entering the U.S. Senate in 1944.

He had a well-founded fear of the ever-growing Federal bureaucracy, which he described as "a fourth branch of government that in many ways overshadows the other three."

"Hick" had a finely honed sense of humor and some of his favorite stories involved his name. He used to tell about the time when he was a boy in Taylor County, Iowa, and his mother sent him on an errand to a drugstore:

> I asked for a nickel's worth of assafetida and told the druggist to charge it. He asked my name and I told him it was Bourke Blakemore Hickenlooper. He asked me to repeat it and I did. He said, "Here, sonny, take it. It isn't worth a nickel to write assafetida and Hickenlooper on a charge ticket."

Senator Hickenlooper was a champion of the free enterprise system and of a farm economy free from Federal controls.

He opposed much of the civil rights legislation that came before the Senate in the 1960's. He opposed the United Nations, the Peace Corps, and medicare.

Senator Hickenlooper died in his sleep on September 4, while visiting in the home of a friend at Shelter Island, N.Y. Only last December did he suffer a heavy blow in the death of his wife, Verna. Her lingering illness was one of the compelling reasons for the Senator's retirement from Congress in 1968.

In the death of Bourke B. Hickenlooper, Iowa and the Nation lost a truly dedicated public servant and I lost a personal friend.

To his son and daughter and their families I extend my sympathy in their great loss.

Mr. Speaker, our colleague in Congress for many years, the Honorable Charles B. Hoeven, now living in retirement in Alton, Iowa, was a close personal friend of the late U.S. Senator Bourke B. Hickenlooper of Iowa.

Because of this long and intimate relationship with Senator Hickenlooper, I am inserting Mr. Hoeven's tribute to his friend at this point in the RECORD.

HOEVEN EULOGIZES HICKENLOOPER

I deeply regret the sudden passing of my dear friend and former colleague, Senator Bourke B. Hickenlooper, on September 4, 1971. I was out of the State of Iowa at the time of his passing and on the day of his funeral at Cedar Rapids, Iowa, on September 9, 1971. If I had been at my home in Iowa at the time, I most certainly would have attended the funeral services.

Senator Hickenlooper and I had much in common. We were both members of the 88th Division in World War I. We also attended the College of Law of the State University of Iowa together, graduating with the Class of 1922. In fact we had recently corresponded regarding the 50th Anniversary of our graduation to be held at Iowa City, Iowa, in June of 1972.

The late Senator and I also served together in the Iowa General Assembly, he as a member of the Iowa House of Representatives and I as a member of the Iowa State Senate. When he became Lieutenant Governor of Iowa in January of 1939, I was chosen as the President Pro-Tem of the Senate, presiding over the Senate during the years 1939–1940 inclusive, whenever the Lieutenant Governor was absent. Later I was elected to the United States House of Representatives from the old Eighth Congressional District of Iowa, at the 1942 General Election and the Senator was elected to the United States Senate in the General Election of 1944. Hence the Senator and I served together in the Congress for twenty years until my voluntary retirement in January of 1965.

In the passing of Bourke B. Hickenlooper I have lost a close and intimate friend. He made a splendid record in the United States Senate and he will long be remembered by hs loyal Iowa constituents whom he served so well. He was a splendid citizen and a great American who well served his day and generation. I shall miss him very much in the days that lie ahead.—Charles B. Hoeven.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield to my colleague from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to join my colleague (Mr. GROSS) and my other colleagues from Iowa in this tribute today for one of the great names of all time in public service in the State of Iowa.

Bourke B. Hickenlooper served our State for many, many, many years. His name was a household word since I was a small boy. He was a strong advocate of his position, whatever that may have been, and he was well respected for be-

ing a strong advocate and for being a person who would let people know exactly where he stood on whatever the issue might be.

His wife was spared the grief of his death, because she passed on a few months before he did.

I am sure the loss of the other would have been a great shock for either one of them because as all of my colleagues know they were close and devoted to one another.

Mr. Chairman, Senator Hickenlooper was an example of how one never knows what notch in life a person might make. Who would have ever thought that a person from Iowa, from the Middle West, would go down in history as I am sure he will, in a field such as atomic energy? We are just now beginning to get a glimmer of what he must have known for many years as he worked so hard in this area, and that is that it is the great energy of the future and our Nation will greatly depend upon this type of energy.

Mr. Speaker, he was one of the very principal architects in those early years and those important years during the development of this energy and he was one of the few who were in positions of trust and made sure that it was developed in such a way so it will be available for the use of all mankind.

Mr. Speaker, he shall be long remembered for that.

My family extends our greatest sympathy to his daughter and his son and to his other loved ones in their time of sorrow.

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

Mr. GROSS. I yield to the gentleman fom Iowa.

Mr. KYL. I thank the gentleman for taking this time and for yielding.

Bourke Hickenlooper devoted his life to public service. And, what a record he wrote. Here was a man who participated in the most important decisions of this Nation, not only on the Senate floor, but as an inner-circle confidant at the highest level of government. He could be trusted.

His great judgment was sought by succeeding Presidents of both parties. His Nation always came before partisan consideration.

When he was partisan, he was partisan to principle, but time after time he refused the easy road of political expediency to follow the principles in which he believed.

I think it is notable that he was not a self-serving politician. He was busy. His work was always important. He could have issued daily press releases to tell the voters back home what their Senator was doing. But his motivation was not publicity. He did not need it. The vote on election day mirrored the fact that Iowa's citizens trusted him to do what was right in their interest and in the national interest. As has already been mentioned, this gentleman was influential in the field of agriculture, atomic energy, and foreign policy. But, certainly, there has never been a man who appreciated the great outdoors, the hunting and fishing and the genuine conservation of our resources any more than did Bourke Hickenlooper. Although he did make those important decisions that moved him into the highest levels of government, no one would have known it because he was a real human man, a good father, and a wonderful husband.

He was highly honored because the people of Iowa knew him as a man. Had they known of his daily tremendous contributions, so largely hidden by the man himself, their appreciation would have been even more boundless.

I thank the gentleman for yielding.

Mr. GROSS. I thank the gentleman from Iowa for his remarks.

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

Mr. GROSS. I yield to the gentleman from Iowa (Mr. CULVER).

(Mr. CULVER asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, the death of Bourke Hickenlooper has deprived Iowa and the Nation of one of its most dedicated public servants. When he chose to retire from the Senate in 1969 he had concluded almost three decades of high public service, in Iowa and in the Senate of the United States.

Bourke Hickenlooper exemplified qualities of quiet leadership and sustained purpose. Though his name did not often appear in large headlines, his legislative judgment and experience were frequently evident in the work of the Congress. Within his committees particularly his influence was pervasive and wise. His senior position on the Republican side of the Foreign Relations Committee established standards of excellence and informal procedures for bipartisan collaboration which were widely recognized and which demonstrably enlarged the effectiveness of that committee in the conduct and oversight of foreign policy.

Senator Hickenlooper was a man who reached his own conclusions reflectively and with a deep reverence for the legislative process and pride in the Senate as an institution. All of his energies were directed to the work of that body, and he was able to blend in proper measure a devotion to party and an appreciation for the wider and enduring interests of his country.

On September 9 I was privileged to join many of the friends of Bourke Hickenlooper at a service of commemorations in Cedar Rapids. At the First Presbyterian Church, where I have also worshipped with my family, the pastor, John Shew, spoke of Bourke Hickenlooper's ability to arouse among his fellow citizens a sense of trust in country and convey also a deep sense of personal honesty and integrity. These are uncommon yet essential gifts for outstanding public service, and Senator Hickenlooper possessed them in abundance. In all he did and said there was no false drama, no artifice, no evasion of the clear expression of his convictions. For this we honor the memory of Bourke Hickenlooper as well as his life's partner, Verna, who died a short time previous.

Mr. Speaker, I ask consent that the works of meditation spoken at the funeral service by the Reverend Shew be included with these remarks.

THE GIFT OF HONESTY . . . A MEDITATION AT THE MEMORIAL SERVICE OF SENATOR BOURKE B. HICKENLOOPER

". . . let your yes be yes and your no be no, . . ." James 5:12

The late Reinhold Niebuhr, in an article on Justice and Order, said that the reason a democratic society holds together lies in the fact that 95% of the people accept and keep the laws of the land. What he was saying, in a word, is that our society's foundation is built on trust. But there is something which is basic to trust. Trust does not simply appear. No one trusts another by merely hearing words. No one gives consent to every plea. Trust is born from basic honesty.

That's why the book of James places this word at the very last part of his several bits of advice:

"But above all—yes—above all!—let your yes be yes, and your no be no . . ."

This is the basic Christian position. A Christian should need no dotted lines to sign, no notary publics to witness his contracts.

This is not original with James. No, it is a direct quote from Jesus himself, who spoke in the Sermon on the Mount: "Don't make oaths and seal them by reference to heaven, or earth, or by your head—let what you say be simply 'Yes' or 'No'—anything more than this comes from the Devil." By definition, Christ's man or woman is honest. His word is clear. He means to keep his promise no matter what extremity overtakes him.

Now what does all of this have to do with our gathering here to worship God and to remember our friend Senator Bourke Hickenlooper. First of all, let me remind you that the greatest casualty of the last 20 years has not been the environment, neither has it been the cumulative suffering of war wounded and dead. I would not minimize these. But the greatest casualty of the last 20 years in my opinion has been the erosion of trust in our country. And trust goes, when honesty is no longer a virtue. When our success is measured by the deals we can make, we inevitably stretch the fact, and garnish the truth.

I need not remind this congregation, that we have been living in a time when the citizen has grown cynical with his government, and when the government has had to take measures to arm itself from the dishonest citizen. We need not labor this point. It is the supreme task of our time to restore honesty to all levels; to do away with the glamour of the big deal, to realize that there is no diplomacy which dictates that we as a nation must not deal with others except in the most candid fashion.

Long-range, honesty is the best policy, both domestic and foreign. But we have said that we will not labor the point. I mention it here because we are remembering a man who has distinguished himself in this country's service for over half his life. I have not known Senator Hickenlooper personally, except to visit him in his recent sorrow at the occasion of his beloved Verna's death. I have known his name, however, since I was a boy. I can remember the way he comported himself as leader of vital committees in the Senate; I have read all of the wonderful tributes in our news during the past week. I have talked with his friends. And one thing comes through, with much emphasis. Bourke Hickenlooper meant what he said, and said what he meant. He was an honest man. That's why this nation will miss him. He gave the gift of honesty to it. He let his yes be yes, and his no be no.

It is written therefore, in another part of the New Testament, that such honesty has

the undergirding of God himself. Paul writes:

"As surely as God is faithful, our word to you has not been Yes and No—at once. For the Son of God, Jesus Christ, was not Yes and No; but in him it is always *Yes*. For all promises of God find that Yes in him."

In keeping faith with us, in his honesty, Senator Hickenlooper has been Christ's man, both consciously, and unconsciously. And the promise to all who exercise this gift of honesty is that for them God grants the *Yes* of Eternal Life.

Mr. SCHERLE. Mr. Speaker, when the Honorable Bourke Hickenlooper passed away last month, he left behind a political legacy that is honorable in more than name. In his 34-year career of devoted public service spanning five Presidential administrations, the Senator from Iowa showed unfailing faithfulness to principle. Known as one of the foremost exponents of conservative Republicanism, "Hick"—as he was affectionately dubbed—never deviated from this philosophy.

In the many responsible roles he was chosen to fill, he proved again and again that the best way to be influential is to honor integrity as a guiding principle. He always acted on his beliefs and was proud of them. He never tried to straddle a fence for safety's sake, and made no bones about where he stood on the great issues of the day. The people of Iowa, who appreciate an honest and forthright representative, rewarded him with four successive terms in the U.S. Senate. During this tenure of office, "Hick" earned a well-deserved reputation as a Republican spokesman. He was the confidant of Presidents and rose to the ranking Republican position on the Senate Foreign Relations Committee.

I had the privilege of serving with him in the last 2 years of his final term in Congress, and it was a great honor to join the delegation led by so distinguished a Republican and conservative. His is a tradition well worth emulating, and those of us who subscribe to his principles are proud to follow in his footsteps.

Mr. MAYNE. Mr. Speaker, suddenly, quite unexpectedly, our beloved former colleague from the other Chamber, Senator Bourke Blakemore Hickenlooper, was called by his Maker one day this September.

For me, Senator Hickenlooper, or "Hick" as all Iowa and his friends everywhere knew him, was indeed "Mr. Republican." His record of 34 years of continuous public service—first as a State representative for 4 years, then as Lieutenant Governor for 4 years, followed by 2 years as Governor of the State of Iowa and finally by 24 years as U.S. Senator, culminating in his voluntary retirement on the eve of the 91st Congress, in January 1969, has served and will continue to serve as an inspiration to all Iowans aspiring to political office and the service of their fellow man.

"Hick" was not one to push himself into the limelight, but his influence among his colleagues on both sides of the aisle, and upon Presidents who frequently requested his counsel in nonpublicized walks in the White House rose garden, was far more than may ever be realized. The respect and esteem with which he was considered by his Republican colleagues was refletced in their electing him chairman of the Senate Republican Policy Committee. Under his able chairmanship, that committee's staff conducted research and published study papers still valued and cited by scholars and writers in many fields.

Nineteen times the name of Bourke Blakemore Hickenlooper appeared before the voters. Twice defeated, in early primary elections in his career, he became an arduous campaigner, turning his uncommon name into a political asset rather than detriment. He became one of the most popular public officials in the history of Iowa, and was indeed, as stated in an editorial in his hometown newspaper, the Cedar Rapids Gazette: The winningest Republican the State has ever had.

When historians have had opportunity to give objective study to the accounts and records of the era following World War II and closing in Senator Hickenlooper's retirement in 1969, I am sure they will consider him one of the true leading statesmen of the time. He had served throughout the Senate career on the Joint Atomic Energy Committee, had been chairman when the Republicans were in the majority and was ranking minority member upon his retirement. Much of the credit for this Nation's maintaining a strong defense posture in the field of nuclear arms and for the plowshare activities of the Atomic Energy Commission, could rightly be attributed to this Senator from Iowa.

Senator Hickenlooper in his service on the Senate Foreign Relations Committee pursued the course of "nonpartisanship" in foreign policy matters set by Senator Vandenberg. He refused to play politics at the expense of our foreign relations, and he insisted upon the committee retaining a nonpartisan professional staff, without political responsibilities and with no staff member owing allegiance to either the majority or minority of the committee, upon his becoming the ranking minority member of the committee. He had a wide and deep interest in foreign affairs, and through his close friendship with the committee chairman, Senator FULBRIGHT, and their working relationship the committee produced significant advances in foreign relations legislation which would otherwise have been impossible to achieve.

The distinguished Senator may be best known among students of international law for the various amendments to foreign assistance legislation which continue to bear his name. He successfully obtained enactment of the Hickenlooper amendment suspending foreign assistance to any country whose government expropriated American properties without providing compensation required by international law, as well as enactment of the so-called "Act of State Doctrine Amendment." The antiexpropriation amendment served to curb the many expropriations threatened in the wake of Castro, which would otherwise have racked all Africa, Asia, Latin America and perhaps Europe, driven out investment and perhaps have brought an end to any further thought of U.S. assistance to developing countries.

Only in recent years, as administrations succeed in ignoring these clear prohibitions in the law with the seeming acquiesence of congressional leaders, has there been a resurgence of widespread expropriations, now perhaps reaching a critical point demanding strong action by the United States if the taxpayers are to any longer foot the bill for foreign assistance. Had the Hickenlooper amendments been enforced throughout the years, it would appear we would be in a far better position in our relations with the less developed nations and certainly in a better position with regard to our balance of payments. It is not too late, however, for the United States to insist that the Hickenlooper amendments and other wise conditions upon our foreign assistance programs be strictly enforced, as a step toward the "rule of law."

"Hick" was frequently called upon for special assignments by the Senate leadership and by Presidents of both parties. President Eisenhower appointed him as a member of the U.S. delegation to the United Nations in 1958, and President Johnson sent him on a team of congressional observers to the South Vietnam election in 1966. He worked hard at all assignments, bringing fine legal insight and a high sense of responsibility to all that he was called to do. His delightful sense of humor often helped to break the ice and bring the participants together in conferences, as I witnessed in the caucuses of the Iowa delegation to the Republican National Convention of 1952. More than one of his colleagues, both Republican and Democrat, have considered him as one of the most valuable men in the Senate, always thoughtful and patient even when under considerable pressures.

I myself have two members of the former staff of the late Senator Hickenlooper on my own congressional staff, and I know how devoted they were to their former employer. I shall always be grateful for the advice and assistance "Hick" gave me in the days I was pondering whether to make the fateful decision to leave the private practice of law and enter the public service, and again in my early days in the Congress. We shall all miss him, and his lovely and gracious wife, Verna, who predeceased him this last December. Their son David, their daughter Jane, and their four fine grandchildren, all now living in Iowa, can be deservedly proud of these two fine parents and grandparents, both of whom served Iowa and the Nation so long and so well.

GENERAL LEAVE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members wishing to do so may have 5 legislative days in which to extend their remarks on the life and works of former Senator Bourke B. Hickenlooper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE BIAS OF TELEVISION NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 15 minutes.

Mr. CRANE. Mr. Speaker, for some time television networks and news executives have responded to charges of bias and distortion in news presentation as being politically motivated, as being an effort to "censor" and "control" the press, and as being untrue.

Recently, Walter Cronkite told a congressional committee that:

> Broadcast news today is not free . . . because it is operated by an industry that is beholden to the Government for its right to exist, its freedom has been curtailed by fiat, by assumption and by intimidation and harassment.

When asked about biased and one-sided reporting of the news, television spokesmen argue that if the conservatives, the blacks, and the new leftists all are attacking them, then they must be doing a fair and objective job of reporting.

While such a response initially sounds reasonable, the fact is that it is not responsive to the charges. Speaking before a Washington luncheon meeting of Accuracy In Media, Edith Efron of TV Guide magazine responded to this claim of the networks:

> If a man is divorced by his wife, disliked by his neighbors, thought unreliable by his creditors and inefficient by his employer, this does not prove what a good citizen he is. It probably proves the opposite, and the same is true for the criticism of television news which may sound contradictory but which is, in fact, the truth.

Miss Efron is the author of a new book, "The News Twisters," which presents evidence that televison reporting of the 1968 campaign was largely one-sided. She set three tape recorders to work for 7 weeks during the autumn of 1968, transcribing all of the 7–7:30 p.m. prime time ABC, CBS, and NBC network news programs. The major issue being discussed was, of course, the presidential campaign between Richard Nixon and HUBERT HUMPHREY. There were, however, a number of important subissues such as the Vietnamese war, student protest, racism, the black militants, and the white silent majority. Taking some 100,000 words per network, including the commentary of reporters, Miss Efron broke everything down into "for" and "against" categories.

Her study shows that the network reporters portrayed HUBERT HUMPHREY as "a talkative Democratic saint studded over with every virtue known to man." Richard Nixon was pictured not as a human being but "as a demon out of the liberal id."

The sub-issues produce a similar result. Liberals emerge as good people without race prejudice. Conservatives are bad, and are filled with racist phobias. America is portrayed as a country which oppresses blacks, and frequent justifications are made for black extremists and advocates of violence. Student protestors are usually referred to as "the kids," rather than as "the new left," thereby avoiding political connotation. Negroes who rejected the extremism of groups such as the Black Panthers received almost no television time. New Leftists who had philosophical grounding, from Herbert Marcuse to Paul Goodman, were also omitted, while student protesters occupied much prime time.

Miss Efron's study shows beyond a doubt that television news was massively slanted against Richard Nixon; that the networks strongly slanted coverage of the Vietnam War and of the bombing halt issue against the policies of the Johnson administration; the networks systematically rationalized political violence by black militants and new leftists; the networks consistently attacked the white middle class as "racist," "ignorant," and "authoritarian"; that the general charges in the 1969 speech by Vice President SPIRO AGNEW, claiming network bias, were valid; that all of Vice President AGNEW's charges were conceded by major network newsmen before or after his speech, although they were officially denied by network management.

Writing of Miss Efron's book, the distinguished columnist and commentator Roscoe Drummond notes that:

> There is new, documented, perhaps conclusive evidence that the principal network TV news shows have been practicing massive bias . . . If there are any meaningful flaws in Miss Efron's methods of measuring bias in broadcast news, I did not detect them. I hope the networks will speak out thoughtfully and responsibly.

Mr. Drummond's column, which appeared in the October 2 issue of Chicago Today, follows:

[From Chicago Today, Oct. 2, 1971]

IS TV GUILTY OF MASSIVE BIAS?

(By Roscoe Drummond)

WASHINGTON.—There is new, documented, perhaps conclusive evidence that the principal network TV news shows have been practicing massive bias.

The evidence shows that in the 1968 campaign when the American people were making up their minds about whom they wanted for President, Richard Nixon was buried in an avalanche of one-sided TV reporting.

These findings are based on a two-year study by TV Guide's Edith Efron. She examined every word broadcast every night on the regular evening ABC, CBS and NBC news reports during the seven weeks preceding the Presidential election.

These findings are set out lucidly and precisely in Miss Efron's bombshell book, "The News Twisters" [Nash Publishing Company, Los Angeles].

The networks will have to have better answers to Miss Efron's facts than they had for Vice President Agnew's opinions—or the public's demand for reform will be powerful.

Miss Efron's content analysis of these network news shows reveals that.

"The networks actively opposed the Republican candidate, Richard Nixon, in his run for the Presidency."

"The networks actively favored the Democratic candidate, Hubert Humphrey."

"The networks actively slanted their opinion coverage in favor of black militants and against the white middle-class majority."

"The networks actively slanted their opinion coverage against United States policy on the Vietnamese war."

The one-sidedness of this TV reporting was found to be so pervasive, so consistent, and so similar between ABC, CBS and NBC as to leave no doubt that it was deliberate—not a conspiracy, but certainly not accidental.

The network executives, the producers, the reporters and the broadcasters apparently knew what they wanted—and got it.

How did Miss Efron measure broadcast bias? That is the crucial test of the validity of her research and her findings.

She tape-recorded the price-time shows of each network and had them transcribed. Then, from the body of about 100,000 words a network, she isolated all stories dealing with crucial political issues and excerpted all "for" and all "against" opinions on these 10 issues:

U.S. policy on Viet Nam, U.S. policy on the bombing halt, the Viet Cong, black militants, the white middle class, liberals, conservatives, the left, demonstrators and violent radicals.

Then Miss Efron and her research collaborator, Clytia M. Chambers, isolated the opinion content—direct quotes, paraphrase, narrative reports and the broadcasters' editorial opinions—from the newscasts and totaled the words spoken on both sides of each issue on each network.

In her book, Miss Efron presents the findings which emerge from her analysis in graphs as well as in statements. They boggle the eye—and the mind. For example:

During the seven-week period of the Presidential campaign, ABC spoke 869 words for Mr. Nixon and 7,483 words against him, CBS 320 for Mr. Nixon, 5,300 words against him, NBC 431 words for Mr. Nixon and 4,234 against him.

While ABC was giving 869 words firmly to the President, it was devoting 4,218 words friendly to Humphrey; CBS and NBC gave about the same ratio.

ABC and CBS gave approximately twice as much favorable coverage to militant blacks than unfavorable and the word count of NBC news was 3,666 words for militant blacks and 1,383 against.

If there are any meaningful flaws in Miss Efron's methods of measuring bias in broadcast news, I did not detect them. I hope the networks will speak out thoughtfully and responsibly.

Meanwhile, I recommend that any person who ever listens to network news read "The News Twisters"—and judge for himself.

Television newsmen, however, fail to respond to the specific charges made against the presentation of news. They prefer to attack all those who demand that they adhere to the Fairness Doctrine which is, after all, the law of the land, as being "censors" and as being men who somehow do not believe in freedom of the press. In the whole tradition of Anglo-Saxon law there has never been a connotation with regard to "freedom of the press" which meant that the press was immune from criticism. It is convenient to turn on the critics rather than respond to the criticism, and this is precisely what television news representatives have done.

Denouncing the whole idea of the Fairness Doctrine, and demanding the right to present as one-sided a news broadcast as he might desire, Walter Cronkite told the U.S. Senate Constitutional Rights Subcommittee that:

> "We are at the mercy or whim of politicians and bureaucrats and whether they choose to chop us down or not, the mere existence of their power is an intimidating and constraining threat in being.

This is an unusual position to take for an industry which has been as clearly

biased and one-sided as Miss Efron's study shows television to have been.

To understand exactly what the position is of the television industry, and to observe the manner in which it refuses to confront its critics but prefers only to attack them, the following news article concerning Mr. Cronkite's presentation is included. It is the report of United Press International:

CRONKITE HITS BROADCAST CURBS

Walter Cronkite, sitting before the television cameras as newsmaker rather than newscaster, asked Congress yesterday for a total end of government control over or licensing of broadcasting.

"Broadcast news today is not free," he told the Senate Constitutional Rights Subcommittee inquiry into the state of press freedom today.

"Because it is operated by an industry that is beholden to the government for its right to exist, its freedom has been curtailed by fiat, by assumption and by intimidation and harassment. . . .

"The power to make us conform is too great to forever lie dormant," he said. "The axe lies there temptingly for the use of any enraged administration—Republican, Democrat, Wallacite or McCarthyite. We are at the mercy or whim of politicians and bureaucrats and whether they chose to chop us down or not, the mere existence of their power is an intimidating and constraining threat in being."

But after Cronkite and most of the standing-room-only crowd had left, a law professor took the stand to argue for greater restraints.

Prof. Jerome A. Barron of George Washington University said courts should be given power to order publishers and broadcasters to carry paid advertisements advocating the views of those who cannot get news exposure.

Freedom of speech and the press, he said, is not the sole possession of those wealthy enough to own a station or a newspaper. It is a freedom to listen and read as well as to broadcast and print, he said.

"Censorship is no less censorship if it is in private hands," he said, and by abolishing the Federal Communications Commission's power to license stations "you then have complete censorship."

He said unorthodox ideas—as well as advertisements for or against the Vietnam War—have been unfairly rejected by newspapers.

But Sen. Sam J. Ervin (D-N.C.) subcommittee chairman, argued that "forcing people to broadcast or print things they don't believe in" would violate the First Amendment and "in a sense is confiscation of their property."

Cronkite said licensing was originally necessary because there were fewer channels or stations than would-be broadcasters. But he said, the development of cable television, FM radio and UHF television has created more outlets than the market can support, so competition between newscasters will serve alone to make news coverage fair.

Mr. Cronkite's defensiveness is, of course, well taken. We are now long past the time that television networks can claim that it is political partisanship which is the cause for the increasing criticism to which they are being subjected. In a recent column the respected news analyst John Chamberlain points out that:

Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance when a block-buster book, The News Twisters, hits the stands.

Mr. Chamberlain notes that:

The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York Times Magazine, managing editor of the Special Editorial Departments of Look magazine, and Central American correspondent for Time and Life Magazines.

Mr. Chamberlain's column follows:

BECAUSE OF ONE BOOK—TV REPORTING ON '72 CAMPAIGN SHOULD BE DIFFERENT

(By John Chamberlain)

Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance when a block-buster book, *The News Twisters* (published by Nash of Los Angeles), hits the stands. Written by Edith Efron of *TV Guide*, whose interview with commentator Howard K. Smith [see *Human Events*, March 14, 1970, page 8] surely tipped Agnew off to the vulnerability of the networks' news coverage, the book presents evidence that the TV reporting of the 1968 campaign was just about as one-sided as a match between Muhammed Ali and my seven-year-old granddaughter. I am not indulging in hyperbole when I say this; I am merely recognizing the irrefutable nature of Miss Efron's arraignment.

The girl has left nothing to chance. What she did was to set three tape recorders to work for seven weeks during the autumn of 1968, transcribing all the 7–7:30 p.m. prime time ABC, CBS and NBC network shows. The big issue of the day was, of course, the Nixon-Humphrey presidential race. But there were various sub-issues, such as the Vietnamese war, the "kids," racism, the black militants, and the WASPS (or white Anglo-Saxon Protestant middle class). Taking some 100,000 words per network, including what the reporters, the politicians and a gaggle of public personalities had to say, Miss Efron started counting, breaking everything down into "for" and "against."

The tabulations leave a telltale smear of egg over the faces of practically everyone connected with TV news policy. Nor will anyone from CBS' Frank Stanton on down to his office boy be able to issue credible denials. The reason is that Miss Efron has included her taped stuff in her book as appendix matter. The reader, if he so chooses, can do his own counting. It's all out in the open.

In a short column I can only summarize what Miss Efron proves. President Nixon, of course, had his own share of the prime time, and so did the Republic-conservative politicians. But the point is that the network reporters and editorialists were virtually unanimous in assaulting the mind, the morality and the character of Richard Nixon.

As Miss Efron shows, the network reporters in alliance with the Democratic-liberal politicians portrayed Hubert Humphrey "as a talkative Democratic saint studded over with every virtue known to man. Nixon, on the other hand, was pictured not as a human being but as "a demon out of the liberal id." This is Miss Efron's qualitative evaluation, and her picturesque words may seem loaded, but they take off from that murderous quantitative count of the appendix material.

The count on the 1968 sub-issues is equally devastating. Liberals emerge from the tabulations of the TV reporting and editorializing as good people without race prejudice. Conservatives, on the other hand, are bad, and crawl with anti-Negro phobias. America is a bad country that oppresses blacks. The blacks who react violently are justified in attacking whites. Leftists are funny people and harmless. The "kids" on the campuses have "noble motivations and moral goals" even when they are burning graduate school dissertations and throwing the deans downstairs.

Again, there is much, much more to this arraignment than Miss Efron's own say-so. It is the quantitative tabulation of the appendix stuff that uncovers the network "party line."

I have only scratched the surface in this effort to present what John F. Kennedy would have called "the thrust" of Miss Efron's book. Incidentally, her count on the taped reporting shows that it is not only the conservatives and the middle-class whites who got a raw deal on the 7–7:30 p.m. shows of September–October, 1968.

Negroes who dissociated themselves from the Black Panthers were left out in the cold. So, for that matter, were those members of the New Left who had philosophical reasons for following such prophets as Herbert Marcuse and Paul Goodman. Counting from those tapes, Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.

The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York *Times Sunday Magazine*, managing editor of the Special Editorial Departments of *Look* magazine, and Central American correspondent for *Time* and *Life* magazines.

In pre-"Papa Doc" Duvalier times she organized the first journalism school at the University of Haiti. True, she once studied in a course I gave at the Columbia University School of Journalism in the early '40s. But I was a liberal then, albeit an evolving character, so I can't be accused of making her a conservative. As a matter of fact, her book is not ideological at all, it is simply honest reporting of what can be done within the present "liberal" ethos to evade the FCC "fairness doctrine" while giving lip service to it.

The entire television industry bears responsibility for the distorted news coverage to which the American people have been subjected. This fact is highlighted with this year's presentation of the George Poster Peabody Award. The Peabody committee broke with tradition to honor the program, "The Selling Of The Pentagon," which ordinarily would not have been eligible for any award until 1972. The committee stated that:

This historic documentary should be recognized now.

More than "recognition," however, this award seemed to be an instance of television declaring that it has no responsibility to the public for truth, honesty, and fairness. "The Selling Of The Pentagon" was surely neither truthful, nor honest, nor fair.

There are abundant examples of serious distortion in this single program. In a letter to the House Armed Services Committee, Dan Henkin, an Assistant Secretary of Defense, noted that the CBS "documentary" had taken out of context a film sequence which seemed to show a military officer making a foreign policy statement. In truth, the officer was reading a quotation from the Prime Minister of Laos.

Another segment of the film showed Jerry Friedheim, a Pentagon spokesman, answering "no comment" three times to questions by reporters. Hinting dark

things, CBS observed that Friedheim does not tell all he knows and "would not have his job long if he did." CBS failed to tell its viewers that in the briefing from which the film was taken, Friedheim had made nine announcements and given answers to about 35 questions. The questions he left unanswered could not have been answered without violating Federal law and disclosing information connected with national security.

In a harsh editorial criticizing the alleged CBS "documentary," the Washington Post stated that editing techniques used in the film could result "in a material distortion of the record." The presidents of the three major networks condemned the Post for its editorial, and declared that:

The Post was proposing to deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting and important.

The Post, however, responded by clearly delineating its criticism:

What we were talking about is called a question and answer interview, a technique common to both media whether it is reproduced in print or on film. Either way the "Q" is supposed to give rise to the "A." The reader or viewer is not only entitled, but positively encouraged, to believe that this is the case by the juxtaposition of the two. And what we were questioning was . . . the practice of rearranging the "Q's" and "A's" arbitrarily so as to destroy or distort their original relationship . . . to present the "A" as something which didn't arise from the original "Q." This . . . is precisely what happened in an interview with a Pentagon official in "The Selling of the Pentagon" and we think the official was quite right to protest.

This particular program was clearly not a "documentary," but an editorial, and one based upon distorted factual material. Why, after all this, did the George Foster Peabody Awards National Advisory Committee break precedent to give this program a special award? Those concerned with truth in the media find this presentation highly unusual.

Speaking before the American Society of Newspaper Editors, British journalist Malcolm Muggeridge coined a new word—"Newsak"—to describe what he terms the canned-music fantasy quality of television news. He quoted Yippie leader Jerry Rubin:

Television creates myths bigger than reality . . . An event when it goes on television and becomes myth . . . The pictures are the story.

In Presidential news conferences and protest demonstrations alike, Muggeridge observed:

The cameras impose on their subjects the rigidity of a wax-works ensemble; under their aegis, the world becomes a sort of universal Madame Tussaid's Exhibition. We who still traffic in words seem to be fighting a losing battle.

Rather than presenting factual data, Muggeridge charges, something far different is being presented on television screens:

Fantasy, it seems to me, is taking over, and fantasy represents a far greater danger to what is called civilization than other, ostensibly more destructive forces . . . the forces of dissolution, as Mr. Rubin sees so clearly and gleefully, dreaming up our own death-wish in the minds of our own intelligentsia.

It is high time that the American people, through their elected representatives, make certain that television networks obey the law which, in this case, is the Fairness Doctrine of the Federal Communications Commission. Discussing the material contained in Miss Efron's recently published volume, The News Twisters, Professor John Roche of Brandeis University, a former assistant to President Lyndon Johnson, stated that:

Edith Efron has prepared a devastating indictment of network TV news bias. Without an independent investigation of her data and methods, it is impossible to issue a final verdict on her charges. But she has made a compelling case for a thorough, non-partisan investigation by Congress of the extent to which the Fairness Doctrine has been evaded by private news managers.

This is the challenge before the Members of this body. It is high time that they met it.

H.R. 10367 WOULD GIVE LIFE TO OFFICIALLY DISCREDITED INDIAN TERMINATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, in the next few days, the House Interior and Insular Affairs Committee will bring a bill to the floor which is ill-advised on numerous counts. House Resoluton 10367, to provide for the settlement of land claims of Alaskan natives, though needed and long overdue, is not the vehicle to achieve justice and equity for the Alaskan natives.

At the proper time I will elaborate on my dissenting views from the committee's report on the legislation but this afternoon, I would like to bring to your attention a part of the bill that has been scrupulously understated by the drafters.

In spite of shining language that glows through the legal obscurities, H.R. 10367 gives life to the thoroughly discredited policy of Indian "termination." We have been through this battle many times in the past 20 years, but in the scramble for Alaska's natural resources, the rights and future of the Alaskan natives have been trod underfoot. The bill to redress legitimate native grievances is, in fact, a bill to terminate native cultural existence.

In the 1950's, the Federal Government, Congress concurring, decided to play at the game of social engineering. The result was passage of House Concurrent Resolution 108 of August 1953 which said in brief, the wardship status of Indian tribes will be ended as rapidly as possible. The rapid result of that policy has been the rapid deterioration of the Indian communities throughout the Nation.

A perfect example of how the "termination policy" works against the Indians it was supposed to help was recently brought to light by William Greider, writing in the Washington Post. In an article, "The Menominee: Victims of Experiment," he graphically portrays the death throes of the Menominee Tribe.

Due to poor legislative guidelines in House Concurrent Resolution 108, unfeeling bureaucrats and overzealous social engineers in the Bureau of Indian Affairs, the illusory goal of "Indian corporate self-determination," the shock of community responsibility in terms of taxes and services, and the blandishments of rapacious land developers, the Menominee Tribe has been forced, literally, to the point of cultural extinction.

A copy of Mr. Greider's article is appended to my remarks as a lesson we would do well to consider in light of H.R. 10367.

There are over 55,000 reasons for rejecting the "solution" to the Alaskan native claim problem suggested in H.R. 10367. Were that bill to gain approval of this Congress, the Alaskan native population would face the same fate as the Menominee Indians. No matter what the price, no matter what the formula as to land-versus-cash, no matter what the economic imperatives, the Congress of the United States has no right and no business conducting cultural genocide. Perpetuation of the Indian termination policy as implicitly expressed in section 6 of H.R. 10367 is the road to cultural genocide.

Had the bill been considered with human and cultural priorities ahead of the oil priority, had the bill been considered with less haste, had the drafters acknowledged their own obligation to end the termination policy, H.R. 10367 would never have seen the light of day in its present form.

Of course, if the Congress had acted on my bill, House Concurrent Resolution 95, the problem of "termination" with respect to the Alaskan natives need never have been considered by the Interior Committee. That resolution states in part:

The termination policy declared in H. Con. Res. 108 has created among American Indians and Alaska Natives apprehension that the United States may not in the future honor its trustee obligation, and uncertainty as to the survival of Indian tribal communities, which apprehension and uncertainty has severely limited the ability or willingness of Indian tribes to develop fully the human and economic potential of their communities in accord with their cultural values . . .

The purpose of House Concurrent Resolution 95 is to repeal, revoke, and repudiate a policy that has led to the decimation of our Indian communities. Because termination is embodied in H.R. 10367, we must oppose this new manifestation of that discredited policy. There are other reasons for opposing H.R. 10367 outlined in my "dissenting views" in House Report No. 92–523, but termination of the termination policy is one of the chief reasons for defeating or substantially amending H.R. 10367.

The article on the Menominee Indian Tribe follows:

[From the Washington Post, Oct. 3, 1971]

"TERMINATED" TRIBE FIGHTING DISASTER—THE MENOMINEE: VICTIMS OF EXPERIMENT

(By William Greider)

Moon Weso of Keshena, Wis., told them it was wrong. He told them in English and he told them in Menominee, an ancient Algonquin tongue once common in the Great Lakes forests, confined now to one small county in Wisconsin.

"I was quoted in the Congressional Record," Weso, an old man now, said, mixing pride and bitterness with his memories. "I got a copy somewhere I can show you. I was one of the delegates and I objected."

Nick Dodge, who belongs to a younger generation of the same tribal blood, agrees it was a terrible mistake but he doubts that it can ever be undone.

"Based on our experience with Congress—damn—they just don't repeal what they do," Dodge said. "It takes practically the whole country rising up."

In their own small way, the Menominee are rising up. A band of them set out yesterday for a two-week march from their tribal homeland along the Wolf River to the Wisconsin state capital in Madison. They hope their demonstration will jog the government's memory and, perhaps, the nation's conscience.

A decade ago, the Menominee people were the "guinea pigs" in a social experiment loaded with good intentions. When the experiment failed, however, the government turned to other policies while the 3,200 Indians lived on with the results—disastrous results, most everyone now agrees.

The Menominee were "terminated" as a tribe, a grim but bloodless expression which means that the federal government, by act of Congress, ended the responsibilities for protection and aid which it assumed, by treaty with the tribe, a century before. The reservation became a county, the tribal council became a corporation, the tribal rolls were closed and the Bureau of Indian Affairs withdrew.

"We are much worse off now as the 72d county of Wisconsin than we ever were as a reservation," said Mrs. Georgiana Ignace, a young doctor's wife and a leader of the march. "We have more to lose now. We're losing our land, our assets, our people. We hope the march will make known exactly what is happening in Menominee County."

Mrs. Ignace and an organization called DRUMS ("Determination of Rights and Unity of Menominee Stockholders") want to reverse "termination" and restore their federal status—their tribal land held again in trust by the government and protected from predatory interests; their tribal membership re-opened to Menominee children; federal health, welfare and education aid restored.

Other Menominee, especially men like Dodge who run the tribal corporation, agree that "termination" was ill-considered but they think "un-terminating" is an impossible goal and perhaps not a desirable one. They want federal aid restored without the old paternalism. "The last thing we need now," said Dodge, "is a bunch of federal officials running around telling us what to do."

The result is bitter tribal factionalism. DRUMS organizers like Mrs. Ignace, a college graduate who lives in Milwaukee while her husband completes his hospital residency, are denounced as "outside agitators." The Indians who run Menominee Enterprises Inc. (MEI), the tribal corporation, are portrayed as a "small clique" conspiring with powerful white interests to destroy the Menominee.

The recent evidence is that DRUMS has wide support among the people, despite the charge that most of its organizers are college-educated emigrants who no longer live there. In April they defeated the MEI directors in a nasty proxy fight. Last month the corporation held an advisory referendum to see if the Menominee want to sell the shoreline of their wild and beautiful Wolf River to the National Park Service. The proposal was rejected by 98.6 per cent of the vote.

The DRUMS leaders charge that, under pressure to stay afloat, the tribal corporation is converting the Menominee into a tourist playground for Milwaukee and Chicago. "Outvoted, out-numbered, our most valuable land gone, our survival as an Indian community will be doomed," the organization warns.

"It's like selling your furniture to pay the rent," complained Jim White, a DRUMS leader who works as a mental health consultant in Chicago. "We are selling our land to keep up with the taxes."

"The saying is," Mrs. Ignace said, "that the Wolf River is the heart of the Menominee and, when you take that away, the Menominee dies. They say they want to keep the Wolf River wild. That's a farce. In a few years, it will be just as polluted as other rivers."

Nick Dodge, who is manager of resource development for the tribal corporation agrees with her on the Wolf River park proposal. But he insists that the previous sale of 5,100 acres for a tourist development was a wise step toward solvency.

"Legend Lake," as it is called, already has added substantially to the tax base of the impoverished county where the cost of schools and local government has rested almost solely on the tribal corporation, Dodge said. So far, 1,700 lots have been sold mainly to non-Indians and MEI's proportion of the tax base has dropped from 83 per cent two years ago to 62 per cent in 1971.

Even so, Dodge doesn't argue strenuously with DRUMS' dire predictions. He too fears that future pressures could lead to more land sales and the eventual demise of the Menominee.

"That's been going on," he said dryly, "since the first Jesuit came and he'd give us religion, then he'd take our land. If I had the magic answer to that, I'd come up with it right now. All you can do is forestall and hope you avoid more losses. This is the story of Indian land through the whole history."

When the Indian treaties of the 19th century established reservations, federal trust protection was intended to shield Indian land from the pressures of the larger economy, speculators and developers and tax collectors. What's often forgotten is that most tribes, like the Menominee in the Wolf River Treaty of 1854, gave up huge areas of their territory in exchange for the promises of federal protection and aid. Many have criticized the quality of the federal stewardship over Indian lands, but most tribes have a deep fear of losing it—and falling prey to the same pressures facing the Menominee.

In its most benevolent expression, "termination," as a policy developed in the Eisenhower Administration, was intended to "free" Indians from government paternalism and the limited economic opportunities of reservation life so they could become assimilated with the mainstream. It was tried with a few reservations and abandoned. Paternalism was succeeded by economic chaos; Indians did not want to stop being Indians. To them, their land means their best hope for survival as a people.

When President Nixon took office, tribal leaders feared that Republicans would revive the old doctrine. Instead, he renounced "termination" and proposed new forms of government aid which would give Indians more control without severing the federal relationship. Ironically, as the Menominee seek to un-do their terminated status. Congress this year is just getting around to enacting a resolution which would formally drop the old policy, the one they are still living with.

When termination was first proposed in 1954, the Menominee were among the most prosperous of the reservations, though still poor compared to most Wisconsin neighbors. They owned their own forest and sawmill, the reservation's principal employer. They even paid the federal government for many of its services.

Among other things, the transition meant converting the communally-owned Menominee land to private title held by the corporation.

Many Indian families had to re-buy their own homesites. The government's hospital and school were closed (both rated substandard by the state).

The newly-established county government had to contract with neighboring counties for basic services such as jails and judges. Menominee children, no longer with legal status as Indians, went to school with children from an adjoining county and, according to DRUMS, the drop-out rate climbed. The county has no health facilities now.

Faced with property taxes for the first time, some low-income families lost their newly-purchased land through delinquency. Others on state welfare had to sign over to the state bonds issued them by the tribal corporation, thus losing their annual dividends from the forest products, a subsistence income for many. The mill and forest, the bedrock of the tribe's chances, ran into economic setbacks unforeseen by the federal planners.

During the 1960s millions of dollars in special federal aid were directed to the county by the War-On-Poverty and other programs, but even this belated assistance did not alter the tribe's basic social and economic problems.

Gary Orfield, a political science professor at Princeton who studied the "termination" experiment, notes that the transition to self-government and economic independence, ill-conceived as it was, stopped short of the real thing.

"Tribal members have received all the responsibilities of ownership but few of its advantages," he wrote, describing the layers of directors and trustees, including many non-Indians, which separated the Menominee from major decisions.

When the corporation began selling Menominee land three years ago, it stimulated the beginning of the current protest. Since the several DRUMS members have won seats on the 11-member Voting Trust which controls the land sales, but they are still a long way from command. This April, even though they out-voted the corporate managers, 119,000 to 118,000 shares, DRUMS failed to abolish the trustee arrangement because the group did not get 51 per cent of the total outstanding shares.

White and Mrs. Ignace claim they would have won stockholder control of the corporation's affairs if it had not been for the First Wisconsin Trust Co. of Milwaukee which votes a block of 48,000 shares for minors and incompetents. The trust company voted with MEI management and, in the process, became a target for DRUMS picketing.

Catherine Cleary, president of the trust company, defended the vote. "Our feeling is that the group trying to run the corporation deserves support," she said. "They've made progress and the Voting Trust keeps the control of this thing from being fragmented where no one could run it."

The bank, Miss Cleary, said, could have cast its votes proportionately with the way the Indians themselves voted—which also would have kept DRUMS from a 51 per cent majority. "This is a fight between two blocks of Menominee and we're an easy sitting duck," she said.

Nevertheless, it is a strange arrangement

for a people supposedly granted self-determination 10 years ago. They can elect local government officials, but the local government depends almost entirely on the corporation, which is managed by the trustees and directors, not by the people who own it. Trustees are elected—one each year.

Unlike some of his fellow directors, Dodge agrees that it is an undesirable arrangement and he believes that the Menominee people will be given a larger voice in company affairs.

Like the DRUMS leaders, Dodge fears the 1974 deadline when Menominee shareholders will be able to sell their stock in the tribal corporation, a step which poverty or disenchantment might encourage, especially among those who have moved away.

"If there is a run by Menominee to sell their shares," said Dodge, "then all we've done has been for nothing. It's not just losing the land. In less than three years, the whole thing could fall into the hands of someone else—not Menominee."

In the meantime, DRUMS is fighting MEI on every level, from lawsuits to picketing the Legend Lake sales office.

Dodge acknowledges that their protests and the publicity have hurt sales. "People come in to purchase property," he said, "then they go home to Milwaukee and hear about what DRUMS is doing. In a while, we get a letter that says, 'gosh, in view of the way the Indian people feel,' they'd like to get out."

Moon Weso, who is 68 and knows the old stories and songs, is more optimistic than the young corporate manager. He believes that the Menominee are beginning to demand the changes which they should have fought for long ago.

"Thinking about it in an Indian way," he said, "it seems like the spirit of Indian is reviving all over. It's hard to explain that, but you see it. Certainly, we could feel it here again."

Jim White puts it more fiercely:

"What's incredible is that all this crap is still going on. We read about it, the stealing from the Indians and all, and we think that happened 100 years ago. The hell it did. It's happening right today. If we could just show our people that they don't have to take this lying down."

SOVIET OFFICIALS WILL DISCUSS DUAL RIGHT TO EMIGRATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, on October 12, I wrote to His Excellency Anatoly F. Dobrynin, Ambassador of the Union of Soviet Socialist Republics, requesting a meeting to discuss the dual right to emigrate, and in particular, the problem of Soviet Jewry. I had also hoped to present to the Ambassador, petitions containing about 10,000 signatures from residents of the 39th District of New York in behalf of Jewish citizens of Russia.

I am very pleased that tomorrow morning, I and a small delegation from the 39th District will meet with Alexander Eustafiev, counselor of the Russian Embassy, to discuss the dual right to emigrate. I will not deliver the petitions at that time, but will see that they are brought to the attention of the United Nations. However, as far as I know, this is the first instance where Russians officials in the United States have expressed an interest in discussing the dual right to emigrate.

Those accompanying me will be students who participated in the gathering of petitions in Erie County as follows: Michele Lombard, 16, of Sweet Home Central High School representing the Machon Chapter of B'nai B'rith girls; Patricia Michel, 16, of Amherst Central High School, representing the Protestant youth groups; and Brian Schaefer, 16, of Bishop Turner High School, representing the Catholic youth groups. The adults also joining in the meeting will be Alan N. Gendler, assistant director of the United Jewish Federation of Buffalo and Rabbi Robert Bronstein, assistant of Temple Shaarey Zedek of Buffalo and chairman of the federation's council on Soviet Jewry.

Tomorrow I will introduce a concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country. I also have a special order of 1 hour tomorrow to discuss this issue and I invite all my colleagues to join with me in this discussion. I am also pleased to report that I already have over 20 cosponsors and suggest that other Members interested in joining me on this resolution call my office by noon, October 14.

Mr. Speaker, one of the most important among the human rights that define a free society is the dual right to emigrate from and also return to one's country. It is a right that all of us—except those under some kinds of due legal process—as Americans enjoy, even though it is not featured in bills and declarations.

It is significant to note that the right to leave and to return is not one of recent origin. This principle is derived from natural law, was regarded by Socrates as an important attribute of human liberty, is upheld by Grotius's treatise on international law and was guaranteed to all Englishmen in the Magna Carta.

Today, this important dual right is embodied in the United Nations Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination which is now in force and has been ratified by 46 nations. The latter document states the dual character of the right in precise terms: "the right of everyone to leave any country, including his own, and to return to his own country."

However, as I am sure you are aware and is evident from the examples contained in the resolution which I will introduce, all nations have not honored and adhered to this basic and internationally recognized human right. It is my feeling that these regretful actions should be brought to the attention of not only the people of the United States but the whole world at the U.N.

Hence, I am submitting this concurrent resolution which was drawn up with the concurrence of our Ambassador to the United Nations, George Bush. If passed, it will be indicative of the attitude of the American people in clear terms toward this important moral issue and will express the unequivocal desire of the Congress to have this issue brought before the U.N. General Assembly by Mr. Bush.

Mr. Speaker, it is my hope that by focusing world attention on this issue, the nations that have so blatantly infringed upon this basic human right will take notice of world opinion and cease their reprehensible policies.

CONTINUATION OF HEARINGS ON ILLEGAL ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that Subcommittee No. 1, Immigration and Nationality, Committee on the Judiciary, will hold hearings in Chicago, Ill., on October 22 and 23, 1971, concerning illegal aliens in the United States.

These hearings, which are a continuation of field hearings held in Los Angeles, Calif.; Denver, Colo.; and El Paso, Tex., will be held in the courtroom of the Federal Office Building in Chicago.

The purpose of these further hearings is to investigate the impact that illegal aliens have on the U.S. labor market. In particular, these hearings will focus on the problems created by illegal aliens who are employed in our industrial cities.

Further hearings will be announced at a future date.

A METHOD TO STRENGTHEN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, the previous two decades have witnessed a quantum increase in the U.S. international activity. Two wars in Asia, intervention in Africa and the Middle East, international trade and monetary problems as well as a variable policy toward the United Nations are occurrences which required executive and congressional action. And yet, while the executive branch of Government has grown in size and in the number of resources it can tap in order to make intelligent decisions, Congress has not.

In the fiscal years between 1950 and 1971, the executive share of appropriated funds has grown from 97 percent to over 99 percent. During this same period of time, the legislative share of appropriated funds has declined from 1½ percent to less than .15 percent. Simultaneously, the executive department has added almost 600,000 civilian personnel to its rolls since 1956 while the legislative staff increase has been only 10,000. Today, 2.9 million civilians work for the executive department while only 32,000 are employed by Congress.

The Library of Congress and the General Accounting Office are the two major structural bodies assisting Congress in the information-gathering process. Besides those bodies, Members of Congress must rely on newspaper accounts and intermittent, incomplete, and informal

briefings by selected administration spokesmen. One way to increase the available information reaching Congress would be to create additional congressional agencies. This may be a long-term solution to the problem.

However, in the short run, a better, less involved and certainly less expensive way to increase foreign policy information available to Congress would be to provide intelligence data, collected and analyzed by the various intelligence agencies of the executive branch, to Congress. The idea is simply for these agencies to provide on a regular, probably weekly basis, current information of all matters directly and indirectly related to the U.S. relations with other countries.

This proposed legislation which is printed below is designed to better utilize the existing information and improve the ability of Congress to better fulfill its constitutional functions:

H. CON. RES.—

Whereas it is in the interest of the United States that the Congress be as fully informed as possible on matters involving relations of the United States with other nations; and

Whereas the Executive Branch collects and analyzes intelligence information which bears on U.S. relations with other nations; and

Whereas such information and analysis would assist the Congress in discharging its responsibilities with respect to United States relations with other nations: now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that in order to keep the Congress fully and currently informed on matters which bear on U.S. relations with other nations each agency of the Executive Branch engaged in the collection and analysis of intelligence information concerning other nations shall make regular and special reports to the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate regarding such intelligence information, together with the analysis by such agency of such information. Such reports shall be made promptly in response to any request made by the Chairman of any such Committee in accordance with such rules as the Committee may establish.

Sec. 2. Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to this concurrent resolution may be made available by such committee in accordance with committee rules to any Member of Congress who requests such information and to any officer or employee of the House of Representatives or Senate who has been (1) designated by a Member of Congress to have access to such information and analysis and (2) determined by the committee concerned to have the necessary security clearance for such access.

SUPPLEMENTAL REQUEST FOR OFFICE OF MINORITY BUSINESS ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 30 minutes.

Mr. MITCHELL. Mr. Speaker, one of my primary interests as a member of the Banking and Currency and the Small Business Committees is overseeing and assisting the development of black and minority enterprises. I am chairman of the particular subcommittee within the black caucus that encourages black business enterprise. It has long been recognized that black people, if they are fully to partake of American society, must participate in its economic system not only as consumers and laborers, but as producers and marketers as well. The Congress has acknowledged this fact by authorizing and appropriating funds for several programs in various agencies and departments to encourage the development of minority businesses. One of the major proposals of candidate Nixon, subsequently ignored by President Nixon, involved a promise of administration support for the concept of black capitalism. The need has been recognized, and several programs exist, though perhaps not enough.

There are several existing programs, none of which is a complete success. Nevertheless, given the attrition rate among new business starts in the American economy, we should be grateful for the successes that these programs have achieved. I am particularly concerned that we do not build failure into these programs. For business entrepreneurship is a high risk, relatively new undertaking in the black community which attracts our most ambitious and energetic young men. I do not wish to embitter them by involving them in a program that promises assistance and delivers failure. It has been the failure of this body that it has funded these programs only marginally, that it has irrationally demanded a high rate of return on programs which are of necessity high risk. It is to this contradiction that I speak today.

The occasion of these thoughts was the request for more funds by the Office of Minority Business Enterprise—OMBE. On Tuesday, October 5, 1971, Secretary of Commerce Maurice Stans and John L. Jenkins, Director of OMBE asked for supplemental fiscal year 1972 funds from the Subcommittee on Commerce and the Small Business Administration of the House Appropriations Committee, the chairman of which is the Honorable JOHN J. ROONEY of New York.

This supplemental request of $40 million is very important to a national minority enterprise effort. For the first time in the history of the Federal Government, funds will be disbursed to national minority organizations and community organizations, predominantly minority. If the funds are approved, the money will be disbursed during the 6 months from January through June 30, 1972.

Many members here have business development organizations in their communities that can benefit dramatically from this disbursement of funds, But, more importantly, OMBE needs these additional funds if it is to provide the kind of assistance to new black and minority business starts that will increase their chances of success. If these funds are not approved, many new starts which might have succeeded given proper guidance, will go down the drain with the original investment lost.

What has been the experience of agencies such as OMBE in recent years? As the agency received an increasing number of requests for black and minority business financing, it has found itself progressively less able to provide assistance to sound business proposals, and progressively less able to provide supervisory counseling for those enterprises it has supported. The assistance required by new business starts varies from case to case and ranges from filling out complicated forms to providing marketing information and identifying other nongovernmental sources of assistance. Agencies have been placed in the unenviable position of choosing among various promising business starts which undertaking will receive assistance.

It is of particular significance, I believe, that some of the funds of this supplemental appropriation have been earmarked by OMBE for strengthening national business development organizations and business resource centers. These are ongoing organizations that in the long run can replace Government agency supervision. OMBE and other Government agencies obviously perceive their mission as one of self-destruction. If they are to do a proper job, they must make minority business so successful that there will no longer be any need for Government bureaucracy.

If they are to do the job well, they must have the tools with which to do it. That is our responsibility. I would hope that every Member of the House will convey to Chairman ROONEY his support of this supplemental budget request by OMBE.

For the future of minorities in America lies in the development of minority economic enterprises.

DESIGNATING THE VETERANS' ADMINISTRATION HOSPITAL IN SAN ANTONIO, TEX., AS THE AUDIE L. MURPHY MEMORIAL HOSPITAL VETERANS' HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. TEAGUE) is recognized for 10 minutes.

Mr. TEAGUE of Texas. Mr. Speaker, I am introducing today legislation which is cosponsored by all of the Members of the Texas Congressional Delegation to designate the soon-to-be-completed $36 million San Antonio VA hospital as the Audie L. Murphy Memorial Veterans' Hospital. When this great medical center opens its doors to receive sick and disabled veterans, it will be one of the most modern hospital facilities in the world. Therefore, I believe it would be most fitting for it to be named in memory of America's most decorated veteran of World War II, the late Capt. Audie Murphy.

Just as the name of Sgt. Alvin York epitomized the heroes of World War I, Audie Murphy is remembered by most Americans as the hero of World War II. Both of these great citizen soldiers came from similar backgrounds—they were born and lived their early years in rural areas of our country—they both suffered from poverty during childhood and in

their young adult lives. Notwithstanding many handicaps, unlike many today, when their country went to war to protect liberty and freedom they, along with millions of America's finest young men from all walks of life, joined the Armed Forces of America to help defeat our country's enemies. Both of these heroic men fell upon hard times after their military service, but their indomitable courage and their personal dignity remained with them until the end. They symbolize the generations of men who have been willing to put their personal safety aside to preserve freedom for their fellow man.

Mr. Speaker, during World War II, Audie Murphy, the son of a Texas tenant farmer was awarded 24 citations for his battlefield deeds including the Medal of Honor and a battlefield commission as 2d lieutenant. In January 1945, the infantry company which Lieutenant Murphy commanded in eastern France was besieged by six German tanks. Lieutenant Murphy ordered his men to withdraw to prepared positions in a woods, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, to his right, one of our tank destroyers received a direct hit and began to burn. Its crew withdrew to the woods. Lieutenant Murphy continued to direct artillery fire which killed large numbers of the advancing enemy infantry. With the enemy tanks abreast of his position, Lieutenant Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and employed its .50 caliber machinegun against the enemy. He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waiver. The enemy tanks, losing infantry support, began to fall back. For an hour the Germans tried every available weapon to eliminate Lieutenant Murphy, but he continued to hold his position and wiped out a squad which was trying to creep up unnoticed on his right flank.

Germans reached as close as 10 yards, only to be mowed down by his fire. He received a leg wound, but ignored it and continued the singlehanded fight until his ammunition was exhausted. He then made his way to his company, refused medical attention, and organized the company in a counterattack which forced the Germans to withdraw. Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective.

Infantryman Tony V. Abramski, who witnessed the brave actions of Lieutenant Murphy said later—

The fight that Lieutenant Murphy put was the greatest display of guts and courage I have ever seen. There is only one in a million who would be willing to stand up on a burning vehicle, loaded with explosives around 250 raging Krauts for an hour and do all of that when he was wounded.

After having been wounded three times in later combat activity, young Audie Murphy returned home to a Nation eager to honor its war heroes. He wanted to stay in the Army and become a career soldier but was turned down after being classified 50 percent disabled because of his war wounds.

Twenty-five years later patriotic attitudes among many have changed. Seldom does a discharged combat serviceman come home to a heroic welcome. More often than not he fades into society without recognition while vocal minorities capture the headlines by burning their draft cards and blowing up public buildings.

Mr. Speaker, by dedicating the new San Antonio VA hospital to a gallant American soldier who has passed from our midst, it is my fervent hope that in these troubled times the spirit and gallantry of Audie Murphy will help rekindle a greater degree of patriotism in all Americans, especially among our young adults, to defend the freedoms which Audie Murphy so valiantly fought to preserve for them.

CONGRESSIONAL PETITIONS ON CHINA PRESENTED TO THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 5 minutes.

Mr. SIKES. Mr. Speaker, it is my honor to report to the House that the President of the United States has received the petitions signed by Members of Congress in opposition to the expulsion of the Republic of China from the United Nations. The petition states:

We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

The petitions were presented to the President at the White House today at 12:15 p.m.

At last count, 336 Members of Congress had signed the petition and I believe it is significant to point out that the signers include the Speaker, the majority leader, the minority leader, and the minority whip, as well as 19 of the 21 committee chairmen and 19 of the ranking minority members of those committees.

It can be truly said that the petition signatures represent the leadership on both sides of the aisle as well as rank-and-file Members of Congress. The bipartisanship of the signers is best demonstrated by pointing out that 174 Democrats signed the petition along with 162 Republican Members.

The document presented to President Nixon today should make it abundantly clear to all member nations of the United Nations that an overwhelming majority of the House of Representatives looks with disfavor upon any move to expel the Republic of China from the United Nations. It is hoped those member nations planning to oppose the United States in this matter will take due note of the feelings of this body.

Members who have signed the petition as of today are:

Abbitt, Watkins M. (Va.).
Abernethy, Thomas G. (Miss.).
Adams, Brock (Wash.).
Addabbo, Joseph P. (N.Y.).
Albert, Carl (Okla.).
Alexander, Bill (Ark.).
Anderson, Glenn M. (Calif.).
Anderson, John B. (Ill.).
Anderson, William R. (Tenn.).
Andrews, George W. (Ala.).
Andrews, Mark (N. Dak.).
Annunzio, Frank (Ill.).
Archer, Bill (Tex.).
Arends, Leslie C. (Ill.).
Ashley, Thomas L. (Ohio).
Aspinall, Wayne N. (Colo.).
Baker, LaMar (Tenn.).
Baring, Walter S. (Nev.).
Barrett, William A. (Pa.).
Begich, Nick (Alaska).
Belcher, Page (Okla.).
Bell, Alphonzo (Calif.).
Bennett, Charles E. (Fla.).
Bergland, Bob (Minn.).
Betts, Jackson E. (Ohio).
Bevill, Tom (Ala.).
Biaggi, Mario (N.Y.).
Blackburn, Ben B. (Ga.).
Blanton, Ray (Tenn.).
Boggs, Hale (La.).
Boland, Edward P. (Mass.).
Bow, Frank T. (Ohio).
Brasco, Frank J. (N.Y.).
Bray, William G. (Ind.).
Brinkley, Jack (Ga.).
Broomfield, Wm. S. (Mich.).
Brotzman, Donald G. (Colo.).
Brown, Clarence J. (Ohio).
Brown, Garry (Mich.).
Broyhill, James T. (N.C.).
Broyhill, Joel T. (Va.).
Buchanan, John (Ala.).
Burke, J. Herbert (Fla.).
Burke, James A. (Mass.).
Burleson, Omar (Tex.).
Byrne, James A. (Pa.).
Byrnes, John W. (Wis.).
Byron, Goodloe E. (Md.).
Cabell, Earle (Tex.).
Caffery, Patrick T. (La.).
Camp, John N. Happy (Okla.).
Carter, Tim Lee (Ky.).
Casey, Bob (Tex.).
Cederberg, Elford A. (Mich.).
Chamberlain, Charles E. (Mich.).
Chappell, Bill, Jr. (Fla.).
Clancy, Donald D. (Ohio).
Clark, Frank M. (Pa.).
Clausen, Don H. (Calif.).
Clawson, Del (Calif.).
Cleveland, James C. (N.H.).
Collier, Harold R. (Ill.).
Collins, George W. (Ill.).
Collins, James M. (Tex.).
Colmer, William M. (Miss.).
Conable, Barber B., Jr. (N.Y.).
Conte, Silvio O. (Mass.).
Córdova, Jorge L. (P.R.).
Coughlin, R. Lawrence (Pa.).
Crane, Philip M. (Ill.).
Daniel, W. C. (Dan), (Va.).
Daniels, Dominick V. (N.J.).
Davis, Glenn R. (Wis.).
Davis, John W. (Ga.).
Davis, Mendel J. (S.C.).
Delaney, James J. (N.Y.).
Dennis, David W. (Ind.).
Dent, John H. (Pa.).
Derwinski, Edward J. (Ill.).
Devine, Samuel L. (Ohio).
Dickinson, William L. (Ala.).
Dingell, John D. (Mich.).
Donohue, Harold D. (Mass.)
Dorn, Wm. Jennings Bryan (S.C.).
Dowdy, John (Tex.).
Downing, Thomas N. (Va.)

Dulski, Thaddeus J. (N.Y.).
Duncan, John J. (Tenn.).
duPont, Pierre S. (Pete) (Del.)
Dwyer, Florence P. (N.J.).
Edmondson, Ed (Okla.).
Edwards, Edwin W. (La.).
Edwards, Jack (Ala.).
Eilberg, Joshua (Pa.).
Erlenborn, John N. (Ill.).
Eshelman, Edwin D. (Pa.).
Evans, Frank E. (Colo.).
Evins, Joe L. (Tenn.).
Fascell, Dante B. (Fla.).
Findley, Paul (Ill.).
Fish, Hamilton, Jr. (N.Y.)
Fisher, O. C. (Tex.).
Flood, Daniel J. (Pa.).
Flowers, Walter (Ala.).
Flynt, John J., Jr. (Ga.).
Foley, Thomas S. (Wash.).
Ford, Gerald R. (Mich.).
Ford, William D. (Mich.).
Forsythe, Edwin B. (N.J.).
Fountain, L. H. (N.C.).
Frelinghuysen, Peter H. B. (N.J.).
Frenzel, Bill (Minn.).
Frey, Louis, Jr. (Fla.).
Fulton, James G. (Pa.).
Fulton, Richard H. (Tenn.).
Fuqua, Don (Fla.).
Galifianakis, Nick (N.C.).
Gallagher, Cornelius E. (N.J.).
Garmatz, Edward A. (Md.).
Gaydos, Joseph M. (Pa.).
Gettys, Tom S. (S.C.).
Gibbons, Sam (Fla.).
Goldwater, Barry M., Jr. (Calif.).
Gonzalez, Henry B. (Tex.).
Goodling, George A. (Pa.).
Gray, Kenneth J. (Ill.).
Green, Edith (Oreg.).
Griffin, Charles H. (Miss.).
Griffiths, Martha W. (Mich.).
Gross, H. R. (Iowa).
Grover, James R., Jr. (N.Y.)
Gusber, Charles S. (Calif.).
Hagan, G. Elliott (Ga.).
Haley, James A. (Fla.).
Hall, Durward G. (Mo.).
Halphern, Seymour (N.Y.).
Hammerschmidt, John Paul (Ark.).
Hanley, James M. (N.Y.).
Hansen, Julia Butler (Wash.).
Hansen, Orval (Idaho).
Harsha, William H. (Ohio).
Harvey, James (Mich.).
Hays, Wayne L. (Ohio).
Hébert, F. Edward (La.).
Helstoski, Henry (N.J.).
Henderson, David N. (N.C.).
Hicks, Floyd V. (Wash.).
Hicks, Louise Day (Mass.).
Hillis, Elwood (Ind.).
Hogan, Lawrence J. (Md.).
Holifield, Chet (Calif.).
Horton, Frank (N.Y.).
Hosmer, Craig (Calif.).
Howard, James J. (N.J.).
Hull, W. R., Jr. (Ohio).
Hungate, William L. (Mo.).
Hunt, John E. (N.J.).
Hutchinson, Edward (Mich.).
Ichord, Richard H. (Mo.).
Jarman, John (Okla.).
Johnson, Albert W. (Pa.).
Johnson, Harold T. (Calif.).
Jonas, Charles Raper (N.C.).
Jones, Ed (Tenn.).
Jones, Robert E. (Ala.).
Jones, Walter B. (N.C.).
Karth, Joseph E. (Minn.).
Kazen, Abraham, Jr. (Tex.).
Keating, William J. (Ohio).
Kee, James (W.Va.).
Kemp, Jack F. (N.Y.).
King, Carleton J. (N.Y.).
Kluczynski, John C. (Ill.).
Kuykendall, Dan (Tenn.).
Kyl, John (Iowa).
Landgrebe, Earl F. (Ind.).
Landrum, Phil M. (Ga.).
Latta, Delbert L. (Ohio).
Leggett, Robert L. (Calif.).
Lennon, Alton (N.C.).
Lent, Norman F. (N.Y.).
Long, Clarence D. (Md.).
Long, Speedy O. (La.).
Lujan, Manuel, Jr. (N. Mex.).
Mazzoli, Romano L. (Ky.).
McClory, Robert (Ill.).
McClure, James A. (Idaho).
McCollister, John Y. (Nebr.).
McCormack, Mike (Wash.).
McCulloch, William M. (Ohio).
McDade, Joseph M. (Pa.).
McDonald, Jack H. (Mich.).
McEwen, Robert C. (N.Y.).
McFall, John J. (Calif.).
McKay, K. Gunn (Utah).
McKevitt, James D. (Mike) (Colo.).
McKinney, Stewart B. (Conn.).
McMillan, John L. (S.C.).
Mahon, George H. (Tex.).
Mailliard, William S. (Calif.).
Mann, James R. (S.C.).
Martin, Dave (Nebr.).
Mathias, Robert B. (Bob) (Calif.).
Mathias, Dawson (Ga.).
Matsunaga, Spark M. (Hawaii).
Mayne, Wiley (Iowa).
Melcher, John (Mont.).
Michel, Robert H. (Ill.).
Miller, Clarence E. (Ohio).
Miller, George P. (Calif.).
Mills, Wilbur D. (Ark.).
Mills, William O. (Md.).
Minshall, William E. (Ohio).
Mizell, Wilmer (Vinegar Bend) (N.C.).
Monagan, John S. (Conn.).
Montgomery, G. V. (Sonny) (Miss.).
Moorhead, William S. (Pa.).
Morgan, Thomas E. (Pa.).
Murphy, Morgan F. (Ill.).
Myers, John T. (Ind.).
Natcher, William H. (Ky.).
Nedzi, Lucien N. (Mich.).
Nelsen, Ancher (Minn.).
Nichols, Bill (Ala.).
Nix, Robert N. C. (Pa.).
O'Hara, James G. (Mich.).
O'Konski, Alvin E. (Wis.).
Passman, Otto E. (La.).
Patman, Wright (Tex.).
Patten, Edward J. (N.J.).
Pelly, Thomas M. (Wash.).
Pepper, Claude (Fla.).
Perkins, Carl D. (Ky.).
Pettis, Jerry L. (Calif.).
Peyser, Peter A. (N.Y.).
Pickle, J. J. (Tex.).
Pirnie, Alexander (N.Y.).
Poage, W. R. (Tex.).
Poff, Richard H. (Va.).
Powell, Walter E. (Ohio).
Preyer, Richardson (N.C.).
Price, Melvin (Ill.).
Price, Robert (Tex.).
Pryor, David (Ark.).
Pucinski, Roman C. (Ill.).
Pursell, Graham (Tex.).
Quie, Albert H. (Minn.).
Quillen, James H. (Jimmy) (Tenn.).
Railsback, Tom (Ill.).
Randall, Wm. J. (Mo.).
Rarick, John R. (La.).
Reid, Charlotte T. (Ill.).
Rhodes, John J. (Ariz.).
Roberts, Ray (Tex.).
Robinson, J. Kenneth (Va.).
Rodino, Peter W., Jr. (N.J.).
Roe, Robert A. (N.J.).
Rogers, Paul G. (Fla.).
Rooney, Fred B. (Pa.).
Rooney, John J. (N.Y.).
Rostenkowski, Dan (Ill.).
Roush, J. Edward (Ind.).
Rousselot, John H. (Calif.).
Roy, William R. (Kans.).
Runnels, Harold (N. Mex.).
Ruppe, Philip E. (Mich.).
Ruth, Earl B. (N.C.).
St Germain, Fernand J. (R.I.).
Sandman, Charles W., Jr. (N.J.).
Sarbanes, Paul S. (Md.).
Satterfield, David E., III (Va.).
Saylor, John P. (Pa.).
Scherle, William J. (Iowa).
Schmitz, John G. (Calif.).
Schneebeli, Herman T. (Pa.).
Scott, William Lloyd (Va.).
Sebelius, Keith G. (Kans.).
Shipley, George E. (Ill.).
Shoup, Richard G. (Mont.).
Shriver, Garner E. (Kans.).
Sikes, Robert L. F. (Fla.).
Skubitz, Joe (Kans.).
Slack, John M. (W. Va.).
Smith, Henry P., III (N.Y.).
Smith, Neal (Iowa).
Snyder, M. G. (Gene) (Ky.).
Spence, Floyd (S.C.).
Springer, William L. (Ill.).
Staggers Harley O. (W. Va.).
Stanton, J. William (Ohio).
Steed, Tom (Okla.).
Steele, Robert H. (Conn.).
Steiger, Sam (Ariz.).
Steiger, William A. (Wis.).
Stephens, Robert G., Jr. (Ga.).
Stratton, Samuel S. (N.Y.).
Stubblefield, Frank A. (Ky.).
Stuckey, W. S. (Bill), Jr. (Ga.).
Sullivan, Leonor K. (Mrs. John B.) (Mo.).
Symington, James W. (Mo.).
Talcott, Burt L. (Calif.).
Taylor, Roy A. (N.C.).
Teague, Charles M. (Calif.).
Teague, Olin E. (Tex.).
Terry, John H. (N.Y.).
Thompson, Fletcher (Ga.).
Thomson, Vernon W. (Wis.).
Thone, Charles (Nebr.).
Udall, Morris K. (Ariz.).
Van Deerlin, Lionel (Calif.).
Vander Jagt, Guy (Mich.).
Veysey, Victor V. (Calif.).
Vigorito, Joseph P. (Pa.).
Waggonner, Joe D., Jr. (La.).
Wampler, William C. (Va.).
Ware, John (Pa.).
Whalley, J. Irving (Pa.).
White, Richard C. (Tex.).
Whitehurst, G. William (Va.).
Whitten, Jamie L. (Miss.).
Widnall, William B. (N.J.).
Wiggins, Charles E. (Calif.).
Williams, Lawrence G. (Pa.).
Wilson, Bob (Calif.).
Wilson, Charles H. (Calif.).
Winn, Larry, Jr. (Kans.).
Wolff, Lester L. (N.Y.).
Wright, Jim (Tex.).
Wyatt, Wendell (Oreg.).
Wydler, John W. (N.Y.).
Wylie, Chalmers P. (Ohio).
Wyman, Louis C. (N.H.).
Yatron, Gus (Pa.).
Young, C. W. Bill (Fla.).
Zablocki, Clement J. (Wis.).
Zion, Roger H. (Ind.).
Zwach, John M. (Minn.).

YOUTH CAMP SAFETY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, last summer in New York a bus careened off the highway hitting a car and smashing into a tree. Fifteen young campers aged 7 to 12 were injured—two of them seriously enough to be admitted to intensive care units at a nearby hospital.

The busdriver later explained that the brakes failed and he was forced to swerve

off the road. When questioned by police the driver was unable to produce a license to operate the vehicle.

Mr. Speaker, I submit that this was not a random accident, that camp-related deaths and injuries are widespread and serious in nature, and further, that most of them result from careless acts.

Dr. John Kirk, president of the American Camping Association testified a year earlier before my subcommittee that a model legislative program for youth camp safety should require maintenance of all vehicles in safe operating condition and that drivers shall hold a valid operator's permit. New York, like many other States, has no law providing this kind of protective regulation.

Now I ask my colleagues the inevitable question: would this accident have occurred if New York had been bound by these camp safety precautions? How many future "accidents" will happen before we legislate protection for our children?

The Education and Labor Committee has incorporated the Youth Camp Safety Act (formerly H.R. 1264) as title 19 of the higher education act, H.R. 7248. I urge all Members to support this provision. It will give a mandate to the Department of HEW to not only set standards for camps but also to enforce them.

The news story covering this accident follows:

[From the Reporter Dispatch, Aug. 4, 1970]

FIFTEEN HURT IN CAMP BUS CRASH

HAWTHORNE.—Fifteen campers, most of them children ranging in age from 7 to 12, were injured at 1:45 p.m. yesterday when the bus they were riding in swerved off Rte. 9A, hitting the right side of a car and a tree.

Four of the injured campers were held at Grasslands Hospital. Three are listed in fair condition and one was held for observation.

The bus, owned and operated by the Mount Kisco Bus Line Co. was taking 36 campers and several adult counselors from New York City to the Old Homestead Camp in Mount Kisco. The driver was charged with failure to show a driver's license. The bus was impounded by Mount Pleasant police.

The driver of the bus, Robert Lundy, 32, of 634 E. 220th St. the Bronx, told police that he was forced to swerve to the right when his brakes temporarily failed as he approached a red light at the entrance ramp to Rte. 117 from Rte. 9A.

Lundy said he was traveling at a speed of 25 to 35 m.p.h. when he left the road in order to avoid hitting a car driven by John Thomas, 48, of Turk Hill Road, Brewster.

The bus apparently hit the car anyway, but Mr. Thomas and Margaret Thomas, who was the only other passenger in the car, reportedly were not injured.

Two campers were admitted to the intensive care unit of Grasslands Hospital where they remain in fair condition. Diane Smythe, 7, of 189-21 Tioga Drive, St. Albans, Queens suffered critical head and abdominal injuries. Barry Nelson, 9, of 220 Riverside Drive, the Bronx, entered the hospital with critical head injuries, hospital officials report.

Two others, Cornell Shelton, 8, of 10 Park Ave., New York City, and Mrs. Ida Cooper, 65, of the same address, were also admitted to the hospital. The boy was put under observation for head injuries and Mrs. Cooper is receiving treatment for a fractured sternum and observation for cuts and abrasions.

Lundy, who received a summons from Mount Pleasant policeman David Cuccia, was released on $50 bail and will appear in court on Aug. 18. According to police, the state Public Service Commission has been asked to investigate the vehicle today.

According to Robert Shillinglaw, public relations officer for the Public Service Commission, three investigators have been assigned to examine the bus wreckage. He stated that the "bus has been very severely damaged."

ADDRESS BY ALLAN W. OSTAR AT COMMENCEMENT EXERCISES, NORTHEAST LOUISIANA UNIVERSITY

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I take this opportunity to include in the RECORD an address which was presented by Allan W. Ostar at the commencement exercises held at Northeast Louisiana University, Monroe, La., on May 29, 1971.

The matter referred to follows:

IMPROVING THE HEALTH OF AMERICANS: A NEW EMPHASIS FOR STATE COLLEGES AND UNIVERSITIES

(Address presented by Allan W. Ostar at Commencement Exercises, Northeast Louisiana University, Monroe, La.), May 29, 1971

President Walker, members of the faculty, distinguished guests, ladies and gentlemen of the Class of 1971, and those unsung heroes who made it all possible—parents and spouses.

Let me first express my appreciation to President Walker for inviting me here to be with you this evening. For one thing, it gives me a chance to get away from Washington and be with real people.

You know, the longer you stay in Washington, the greater the risk there is of catching that Congressional Cold—Potomac Fever. One of the first symptoms of this dread disease is when it occurs to you that you know answers to problems that don't exist.

It is customary for speakers to begin by saying how happy they are to be here. I am going to turn the tables and say—truthfully I hope—how happy President Walker is that I am here.

In the five years I have known him, President Walker has not missed an opportunity to whet my desire to visit Monroe and your fine institution. He is a most effective and persuasive ambassador—no hard sell. Instead he has let this Yankee see for himself how progressive this part of the South really is. Your civic center, with its beautiful fountain, is a splendid example of this.

From my vantage point in Washington I am able to follow the progress of a great many universities and their presidents. Northeast Louisiana University enjoys an outstanding reputation, and I can tell you that President Walker's leadership here and in our American Association of State Colleges and Universities has accorded him high respect among his presidential colleagues around the country. His role as state representative for Louisiana has helped attract national recognition of the growing importance of regional state universities such as your own.

My visit here to your beautiful campus today confirms my strong belief that the future of higher education in this country rests in large part with these regional state universities. Northeast Louisiana University is a dynamic, forward-looking university. We are proud that it is one of the 278 institutions that make up the membership of the American Association of State Colleges and Universities. These institutions are the fastest-growing degree-granting institutions in the country. They enroll nearly two million students, or about one of every four college students.

For the most part, these institutions have had relatively little campus unrest. Instead, they have quietly pursued their goal of making it possible for thousands of young men and women from the cities, towns, and farms of America to advance academically and economically, with the benefits going not only to themselves individually but to their states and regions as well. They are helping their students learn how to build and improve our country instead of tearing it down.

Our state colleges and universities are in the forefront in expanding educational opportunity for our young people, in preparing men and women to meet the need for educated manpower, in developing natural and human resources, and simply helping people learn to live happy, useful, productive lives.

These institutions represent the greatest potential for providing the kind of education this nation is going to need in the closing decades of this Century—and I mean educating people to deal effectively with change.

At this moment, at what appears to be the culmination of 16 or more years of formal education, you may not appreciate the suggestion that these years were only the beginning of a lifetime of learning. Man today lives on an escalator. He graduates from college to find a new world in which he must live and work—and this world is undergoing stresses no one imagined—even 15 years ago.

There are three and a half billion people living today. This will double by the year 2000—and there may be 10 billion people living during your own lifetime. This means real change.

We are a people with a tradition of frontiers, of open space for moving around and growing in. But we're a nation also undergoing some very fundamental—and painful—alterations in the way we see things. In fact, we're experiencing right now the crisis of deteriorating urban cores, receding rural areas, mass migrations, the reshuffling of personal, business, industrial and international relationships, the revolutions in information, communication, transportation, medicine, the precarious balance between war and peace, the expansion of leisure time, job obsolescence, and just the increased pace of plain living.

That old way of life to which we've become accustomed will become old much more quickly than it did for our parents. Unless we are able to cope with change and control it, we will be living longer and enjoying it less.

My daughters in high school have more knowledge now than I had when I was in college and you have more knowledge than most of us can hope to acquire during the rest of our lifetimes. But this knowledge will grow obsolete at an ever-increasing rate.

A century ago, men worked 70 hours a week and lived an average of 40 years. Today men work 40 hours a week and live 70 years. An inability to know what to do with our increased free time may result in boredom, alienation, and psychological problems just as serious as the physical problems caused by the 70-hour work week of a century ago.

Finally, there is the problem of educational obsolescence. How can we educate people for jobs that don't even exist today? What do we do with people who find—at age 35 or 40—that their skills are obsolete—that they've changed their minds about what they want to really do?

We must recognize now that education is not some rite of passage with a terminal

point at the end. Opportunities for retraining and renewal will grow. In fact, there's a good chance you will change jobs seven times or more in your lifetime and probably return to school as many times.

We can no longer afford to stop our education and get off whenever we feel we've gone far enough. To avoid human obsolescence and to help us cope with change, education must continue throughout our lifetimes.

We will need colleges that function as career learning centers, flexible in their entrance and exit procedures as well as flexible in their curriculum. I firmly believe that it is to be the regional state universities such as Northeast Louisiana University that will provide the leadership in this development.

More and more state colleges are establishing a new model for higher education—a comprehensive college offering a wide variety of programs to meet the ever-changing educational needs of its students and of the region in which it is located.

With proper planning, the four-year state college can forge links of cooperation with the community and technical two-year colleges and provide a system of higher education specifically geared to community growth.

For example, one of the major benefits for the regions they serve is their attraction for new industry—the kind of industry that increases surrounding land values, builds a good local tax base, and expands general employment. New industries locate near them to take advantage of programs that train a wide variety of needed personnel.

In this way, continuous work-study programs are created to meet every growth factor of those industries—and at the same time provide a continual job placement source for participants in career education programs.

The major university research centers will handle the unforseeable technology and science now in embryo, but the regional state university will make its most significant contribution with its capacity to become a comprehensive learning resource, combining all elements of higher education.

And it is this great potential for public service that makes the regional state university uniquely fitted to deal with one of America's most crucial problems—a problem common to nearly every community—public health.

This nation is in a health crisis. After a decade under Medicare, the health expectations of the American people have risen to the point where every man, woman and child expects, as a right, the best medical care in the world. And why not?

We have had the most productive research effort in the history of medicine—going back to the 19th Century.

We have developed, man for man, the world's best physicians and specialists.

Our technology has pioneered the latest equipment and has outfitted the best medical research and treatment centers.

Since 1967, U.S. doctors have performed the most heart, kidney and lung transplants and are pioneers in the corollary development of immunology.

Our doctors have perfected highly sophisticated surgical techniques to repair muscle, nerve and bone tissue.

Our medical researchers have defeated, in our century, yellow fever, malaria, rabies, smallpox, polio, and we're closing in on cancer and heart disease. Who knows—we may yet lick the common cold.

We have prepared man for the experience of outer space—and yet the U.S. ranks 19th among the leading 22 industrial nations in male life expectancy, sixth in female life expectancy, and a sad 15th in infant mortality.

We spend more than 60 billion dollars a year to combat illness—that's about seven percent of our GNP—or nearly $300 per person—yet we offer, at best, a fragmented, inadequate medical service, inequally distributed, uncoordinated, and bearing a cost outside the income ranges of all but the upper-middle and upper classes of wage earners.

The 25 million poor, both urban and rural are in the direst need of health service and have the greatest incidence of illness.

Public health in this nation is in a crisis, too, at a time when environmental hazards of all kinds are increasing. We are subjected daily to higher and higher levels of air and water pollution, noise, noxious chemicals in our food, the stresses and strains of modern life, and many forms of ecological imbalances we're not even sure of.

Let's face it. The number one health problem today is the shortage of allied health personnel, not to mention the poor distribution of health care.

With an exploding population, the inadequacies of our health services cannot last much longer. And there's precious little leadership in this field of public health at the Federal and many local levels.

Quite simply, the physician can't do it all. So why are we concentrating on educating the *occasional* specialist, or the biomedical researcher, when the great problem now is extending the medical discoveries we *have* made to a public in desperate need of service?

Behind every modern urban physician in a hospital properly equipped and manned there is a wide range of supportive professionals completing nearly nine-tenths of the whole job in nearly every case requiring extensive therapy or long hospital stays.

In most cases, today, the physician is looked upon as a team director. The doctor diagnoses; he calls the shots. The allied health personnel carry out the doctor's orders. Menus are formed by dietitians consulting with the doctor; a food service specialist follows up, prepares the food and delivers to bedside; therapeutic recreation workers bring patients through painful recoveries; speech pathologists aid patients recuperating from surgery; medical record technologists keep books on patient progress; virologists examine blood and bone marrow samples, spinal taps, and other extractions to help determine a doctor's diagnosis; radiation engineers maintain costly equipment and deliver on difficult X-ray assignments.

There are more than 200 individual health career fields, and new ones are being added all the time as the demand for expertise in the health services increases.

Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, HEW, says the allied health professions could make the difference in whether or not there will be any real improvement in medical care before 1975 when the projected shortage of doctors will decrease.

But there is currently a shortage of about 150,000 allied health professionals in the U.S. and a shortage of 200,000 nurses. This is compared to a shortage now of about 50,000 doctors.

If the allied health professions are going to make such a critical difference in our public health service, where are they going to be trained?

They are going to be trained in institutions like Northeast Louisiana University.

Our state colleges and universities are the greatest untapped resource in America for relieving the critical shortage of health manpower.

These institutions have always been the principal source of manpower for our nation's schools—they produce half of the new crop of school teachers every year. But we know that teaching jobs are becoming scarce as school districts find it increasingly difficult to pay for needed personnel. Many students who come to our institutions to pursue teaching careers would be ideally suited to enter allied health programs, *if* the programs were available to them.

The four-year state college or regional university also has the greatest potential for expanding allied professional training at the bachelor's and master's degree level. We are perfectly equipped to take para-professionals at the Associate degree level and bring them step by step into the ranks of professional allied health personnel in the 50 states. This is one of our greatest challenges. But we've got to shift gears, and fast.

A recent survey indicated that only 16,000 students of AASCU member institutions are registered in allied health professional programs. This is less than one percent of a student body representing nearly 23 percent of America's undergraduate enrollment.

If this percentage were raised to five percent, we could generate 60,000 graduates who could move into communities everywhere needing these critical personnel.

This would be a tremendous resource for any area. Yet, for example, the percentage of earned degrees in the allied health professions in AASCU institutions decreased from 12.3 percent in 1967–68 to 12.1 percent in 1968–69.

We won't become the prestigious medical or dental schools nor the research centers at the frontiers of medicine, but we can and must train the professionals for medical technology, occupational therapy, optometry, podiatry, pharmacy, and especially nursing.

Over half of the Standard Metropolitan Statistical Areas surveyed recently are without a publically operated, accredited bachelor's level nursing program.

This means that potential students in these urban centers are shut out from low tuition nursing education unless they move to other areas.

If the allied health professions at the BA and MA levels are concentrated in the major state and private universities, a very large student population will be denied this training, and U.S. public health will receive a severe setback.

But we've made a start. One principal reason why I wanted to visit your campus is that Northeast Louisiana University is in the forefront of those of our institutions across the country that are developing allied health programs. In recognition of your leadership, President Walker serves as a member of our Association's Committee on Allied Health Programs. Your pharmacy program in particular is recognized as one of the best in the country.

State boards of higher education are prodding colleges and universities to expand allied health programs. And in a few instances, state legislatures are getting into the act.

Our institutions must be prepared, with or without legislative prodding, to extend career ladders to all allied health professionals. The edge of the dead-end curriculum in the allied health fields is ending.

As teacher educators, AASCU institutions can and must play a double role, training teachers to serve as catalysts for the efforts of the junior colleges and vocational schools and then providing the career extensions for the resulting paraprofessionals moving up.

But we are going to need a lot of help at all levels—Federal, state and local—and time is running out.

If the Federal government is going to meet the demand for better health care, it must greatly expand its investment in institutions like Northeast Louisiana University so that the personnel needed to provide this care will be available. Otherwise, health costs will go out of sight, and millions of people expecting adequate care because of a massive Federal insurance program will be very angry.

Your own Senator Russell B. Long has introduced a major bill costing $2.5 billion to cover the expense of catastrophic illness. But

little money has been provided to expand the supply of health manpower essential to meet the additional demand for services.

The Federal government, already deeply committed to public health by way of Medicare insurance, has only recently responded to the funding of allied health manpower development. This is building a barn without the horse.

But I am pleased with the passage last year of the Health Training Improvement Act of 1970. This is a step in the right direction, but it doesn't go far enough. The kind of allied health manpower training the state colleges are prepared to do will require three types of funding:

Federal cost-sharing for the construction of facilities and equipment for allied health programs.

A system providing adequate student loans with a reasonable repayment provision.

And direct institutional support with a formula recognizing the high cost of allied health manpower training at the four- and six-year levels.

We must get the same kind of Federal support that spurred the technological breakthrough in outer space, and the support that aided science generally in the 50's and 60's.

There has been too little national leadership in this regard. We need a grass-roots kind of effort behind leaders in higher education—such as President Walker—to begin the job in public health manpower training this country—and the world—will surely need.

Let me close by reminding you, who are graduating today, that the taxpayers in Louisiana have shared a part of their own income to help make it possible for you to attend a public college. As you go out to apply the learning gained here and become taxpayers yourselves, I hope you will be leaders in developing the financial support Northeast Louisiana will need to provide and improve educational opportunity for those who follow you.

The legislature can provide the basic necessities, but alumni gifts provide "that margin for excellence" that makes the difference between an institution's being merely good and being great.

There is more and more of the burden being placed on students themselves to support higher education. But there is no substitute for adequate legislative support and low tuition which provides the maximum degree of educational opportunity so necessary to modern society.

Your efforts in support of Northeast Louisiana University will provide not only its future prosperity, but your own as well. The better your college becomes, the more your diploma is worth. There is no better investment than that.

Congratulations and good luck.

PRESIDENT LUIS ECHEVERRIA ALVAREZ, OF MEXICO, ADDRESSES 26TH GENERAL ASSEMBLY OF THE U.N.

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA Mr. Speaker, on Tuesday, October 5, the 26th General Assembly of the United Nations was honored to be addressed by a great President of a great country. I refer to His Excellency Luis Echeverria Alvarez, of Mexico. He is the only head of state from Latin America to address that world organization during its present session.

President Echeverria, former Minister of Interior, an outstanding lawyer, and a dynamic leader, is known throughout the hemisphere for complete devotion to duty and consecrated dedication to his people. Much of his time is spent in the provinces among the people, listening to their problems directly from them rather than through bureaucratic channels. Outsiders interested in Mexico have noted how the President is loosening the controls which have kept Mexico in a sort of political straitjacket. He has, in addition to liberalizing the political system, been demanding that the economic policies and financial programs be more responsive to the problems faced by the country. President Echeverria is truly a man of the people.

It is thus noteworthy that despite a backbreaking schedule in his own country, this Mexican statesman found the time to attend the United Nations session in the interests of world peace and international cooperation.

It is very encouraging to me, as I am sure it must be to all the Members of this House, that our sister Republic south of the border is presided over by a chief executive who understands his job so well and performs it so thoroughly.

Directly after his speech to the United Nations, President Echeverria flew to the Province of Torreon in Mexico to meet with the people there on important matters of agrarian reform. Such tireless devotion has won him the admiration of his countrymen and of countless numbers throughout the hemisphere.

Mr. Speaker, I know I am not alone in this House in considering Mexican-United States relations as one of the great pillars of inter-American progress toward peace and security. President Echeverria is very much aware of this, and several months ago appointed His Excellency Dr. Jose Juan de Olloqui as Ambassador to the United States. The Ambassador is typical of the new breed of young Mexicans who are playing such a vital role in their country's future. Ambassador Olloqui, with his spirit of good will, his talents, energies and understanding, admirably fulfills for his President and country the high requirements called for by a nation that is on the move for a better life for its people.

To President Echeverria, to Ambassador Olloqui, and to all the people of Mexico, let us say "Well done."

CHAOS, DISRUPTION, AND EXCESSIVE BUSING IN THE JEFFERSON COUNTY SCHOOL SYSTEM

(Mr. NICHOLS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, as a result of recent orders from the U.S. District Court for the Northern District of Alabama, southern division, there has been widespread chaos, disruption and excessive busing in the Jefferson County school system. The results of integration orders to that system is but a single example of a common tragedy throughout large areas of our State, but the situation is significant because it is symbolic of arbitrary action and disregard for the welfare of the students and the educational process. There are about 60,000 students in the Jefferson County school which is approximately 70 percent white and 30 percent black. After the decision of the U.S. Supreme Court on January 14, 1970, in *Carter, et al.* v. *West Feliciana Parish School Board, et al,* 24 L.Ed. 2d 477, and the decision, on rehearing, by the fifth circuit court of appeals in *Singleton et al* v. *Jackson, Mississippi Separate School District,* 419 F. 2d 1211 the decisions of the district court were remanded with directions that terminal school integration should be accelerated. The mandate from the fifth circuit was delivered to the district court on January 23, 1970. The school board was directed to file another integration plan and make student integration effective on February 1, 1970. On January 26, 1970, the district court issued an order directing the county board to file such a plan within 4 days and to make student integration effective February 1, 1970. This involved 100 county schools, over 60,000 students and 2,500 teachers. After hearing on the school board plan filed, the district court ordered the Department of Health, Education, and Welfare to file a new plan not later than May 15, 1970, and the court scheduled a full evidentiary hearing on that plan and all objections and exceptions. The black plaintiffs and the county board filed objections and exceptions to the HEW plan. At the hearing, the issues were substantially reduced and counsel for the black plaintiffs stated in open court that he desired to "make a statement that might help expedite things," adding that "I think we are in substantial agreement with HEW." The HEW plan, as filed, was submitted to and approved by the Ad Hoc Committee in Washington. This is a committee composed of representatives of the office of HEW, officials of the Department of Justice, and representatives of title VI, the enforcement division of HEW.

After hearing, the district court issued an order adopting a majority of the HEW plan. The Justice Department did not appeal from that order. The black plaintiffs filed a limited appeal. This appeal was disposed of in the fifth circuit, without hearing or argument, by mandate to the District Court, after the decision of the Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education,* 402 U.S. 1. When the case was returned to the district court, the school board announced its earnest desire to terminate all litigation and suggested to the court that it enter an order approving the HEW plan which had been prepared by HEW, approved by the Ad Hoc Committee, and endorsed by the black plaintiffs. Admittedly, the plan effectively established a unitary school system which we have repeatedly been told is the extent of the constitutional requirement.

Nevertheless, as strange as it may sound, a recently appointed district judge rejected the HEW plan, prepared by the Government and proceeded to draw his

own new integration plan for all schools in Jefferson County. As a result of this plan, chaos has developed. There are hundreds of children in Jefferson County today who are not attending school. There are hundreds more who are being bused from schools in their immediate neighborhood to strange schools in other sections, solely for the purpose of forcing a fixed racial ratio. In fact, the Court has announced and stated in its orders that it was enforcing a 75- to 25-percent racial ratio which Members of Congress have repeatedly stated was never intended by the Civil Rights Act and never required by the Constitution. In fact, the Supreme Court has so held.

Mr. Speaker, let me give a few specific examples involving black students. There is a little community in the western section of Jefferson County called Booker Heights. The students live near the Edgewater Junior High School, grades one to nine. In order to force an integration ratio, the district court ordered these young black children to be bused, over dangerous roads, to the West Jefferson school. The parents of these young black students and the county board have requested and urged the court to permit these children to attend the Edgewater Junior High School. Another example is in the McNeil community where students are being bused to another zone when they live within walking distance of their own community school. Last year, McNeil had grades one to nine. Under the court order, the grades are seven to nine. This results in small children, grades one to six, being bused miles away and prevented by court order from attending schools within easy walking distance of their homes.

A similar situation exists in the Warrior section of Jefferson County which I am privileged to represent. Here, too, the parents of schoolchildren are extremely upset. I would like to submit for my colleagues' reading a letter I have received from Billy Stover, the chairman of the Concerned Parents of Jefferson County.

I believe Mr. Stover's letter appropriately describes the dilemma many parents in the Warrior area are facing due to the latest court order.

The letter follows:

CONCERNED PARENTS
OF JEFFERSON COUNTY,
October 2, 1971.

Representative BILL NICHOLS,
Longworth House Office Building,
Washington, D.C.

DEAR SIR: The following is in reference to the Jefferson County School system.

Attached you will find a copy of the amended order filed in the District Court now by the Jefferson County Board of Education.

There are two alternatives that will resolve this case:

(1) Remand this case to Judge Lynn's court. He has had it since 1968 and is familiar with every phase of the case.

(2) Or accept this amended order and the Pleasant Grove situation will be resolved along with the rest of Jefferson County's problem.

Please be advised that Mr. Maurice Bishop is Attorney for the Jefferson County Board of Education.

We the people of Warrior, Alabama are concerned about our problem in our 1–12 grade school at Warrior, Alabama and you as our congressional representatives should know of this problem.

Why of 89 schools in Jefferson County was the Warrior High School 1–12 the only school paired by the court order?

Because of the court ordered pairing we have 175 students who have not attended school at all this year.

We ask that Warrior High School be restored to its normal grade structural 1–12.

The Warrior High School has been a 1–12 grade school for eighty years.

Your prompt action to this will be appreciated by all parents of Warrior, Alabama.

Thanking you,

BILLY STOVER,
Chairman.

Mr. Speaker, I could give a number of similar circumstances in this county alone where the safety, physical well being and education of children are being completely ignored by court orders that are serving no purpose except to sow disrespect for judicial process and court orders among white and black alike.

I have been unable to understand, and I have yet to find anyone who can explain why the court did not approve an integration plan admittedly establishing a unitary system prepared by HEW and approved by the black plaintiffs and, albeit reluctantly, by the school board.

Mr. Speaker, last week, three Members of this body met with a sizable delegation from Pleasant Grove, Ala., another small town in Jefferson County. I joined the Honorable JIM ALLEN, the junior Senator from Alabama, a representative from the office of the Honorable JOHN SPARKMAN, and Congressmen JOHN BUCHANAN, and WALTER FLOWERS, all of whom represent a portion of Jefferson County, in objecting to this detrimental court order which has disrupted many families in that community alone.

The delegation, which included the mayor and school superintendent of Pleasant Grove, met with Assistant Attorney General David Norman in seeking the understanding and, hopefully, the assistance of the Department of Justice in this matter.

Mr. Speaker, I am convinced that people throughout every section of our Nation are beginning to realize what is happening to their school systems and I am further convinced that a great majority of them are preparing to assert themselves as never before through their elected public officials.

I believe this statement is verified by the support we have received in our effort to get the necessary signatures on a discharge petition to expedite legislation, introduced by my distinguished colleague from New York, the Honorable NORMAN LENT, from the Judiciary Committee. This legislation, similar to bills introduced by me and many of my colleagues, is in the form of a constitutional amendment and would declare busing of students to achieve racial balance as illegal. A number of us who have signed this petition are vitally interested in quality schools for both black and white youngsters and we are deeply concerned about the future of our public education system.

I would like to think that the pendulum has swung and we may be on the way toward a return to the sound, conservative, and constitutional government which has made this Nation great. I only hope it is not too late.

"THE AVAILABILITY OF MEDICAL CARE"—AN ARTICLE BY DR. JACK SCHREIBER OF CANFIELD, OHIO

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOW. Mr. Speaker, I have previously inserted in the RECORD two articles by Dr. Jack Schreiber of Canfield, Ohio. I include with my remarks at this time the third and last of the series of articles by Dr. Schreiber:

THE AVAILABILITY OF MEDICAL CARE
(By Jack Schreiber, M.D.)

In the first two articles of this series I pointed out that the vote seeking politicians, the propagandists, and the social planners have tried to convey to the American people three false and misleading statements to justify their desires for a system of nationalized medicine in this country: (1) Medical care in the United States is inferior, (2) Medical care in the United States is too expensive, and (3) Good medical care is not available when you need it. For years, these people have been claiming, "Even if you can afford good medical care, you never can get a doctor when you need one." Or, as Daniel Shorer on the CBS–TV program in April, 1970, stated, "Even if you can afford to get sick in America, you'll have difficulty finding anybody to take care of you." Let's take a close look at the charges about the availability of medical care in this country.

Many, in and out of the profession, state that there is a doctor shortage in this country. While there may never be enough doctors in some areas in the United States, this country has more doctors per population than any other nation in the world—one for every 640 citizens. By comparison, France has one physician for every 750 people and Great Britain has one for every 1150 citizens. It is true, however, that many physicians have been drawn away from patient care by government inducements to research and administrative work. A total of 28,105 doctors are in government service (enough to supply three cities the size of Los Angeles.)

The charge is frequently made that doctors don't make house calls anymore. According to a recent *Medical Economics* survey, most physicians still make house calls, but on a limited basis, due chiefly to the obvious limitations of time, and the opportunity to provide higher quality of care in one's "workshop," rather than at the bedside. Many laymen who still measure a good doctor by the number of house calls continue to live in the nostalgia of a day long past when the physician had fewer patients to treat and could perform the same service at the bedside as he did in an office with meager equipment.

WHAT ABOUT HEALTH FACILITIES?

But the doctor is only part of the total medical care system. What about hospitals? How do we compare with other nations who have the kind of system the politicians plan for this country? In 1969 the United States had 7,144 hospitals, up 4 percent since 1960. In Great Britain, no new hospitals were built from 1948 (the conception of the National Health Service) until 1962. Since then only ten have been built. Since World War II, 515 new hospitals have been built in just 17 states in the Southeastern part of our country, an area comparable in size to the United Kingdom. In most of post war Europe, hospital construction has been at a

standstill because of the lack of funds, in spite of the fact that in Sweden, for example, 20 percent of the Swedish citizen's taxes are for "free" health care.

Not only do most Europeans have fewer hospitals than Americans, but the availability of hospital beds in Europe is less because of the longer length of stay. In 1969, in the United States, the average length of stay in a nonfederal, short-term, general hospital was 8.3 days. In England and Sweden the length of stay was 50 percent longer and in Germany it was 300 percent longer for the same time period. Since length of stay determines availability because of the turnover factor, one might also compare nonfederal, general hospitals with government (VA) hospitals, in this country. In 1969 this was 8.3 days compared to 38.8 days for VA hospitals.

Because people stay longer in hospital beds in Europe and because there are fewer hospitals per population, waiting lists also are a factor in the availability of hospital care. Most people, in the United States, are able to get into a hospital of their choice for elective surgery in two to four weeks. Anthony Le Jeune says that under National Health Service in England, "The average wait for a nonurgent operation is 22 weeks and the waiting period may stretch to a year." Professor Russell Kirk reports, "People have to wait up to 7 years for treatment of hernias or varicose veins (Great Britain)."

A POINT ON FREE CHOICE

Critics of our present health care delivery system usually fail to point out that most people want more than just any doctor available—if given a choice they would like their own personal physician. In Sweden, private doctors are forbidden to treat their own patients in hospitals. Consequently, of the 8500 doctors in that country, only 1200 are in private practice (one-fifth of them over 70 years old.) Only 30 percent of Swedish citizens are now treated by their own private physicians. A recent survey in England revealed that fewer than 50 percent of NHS patients get to see the specialist of their choice—and 42 percent are never even told the name of the specialist they do see.

In arguing the merits of increasing the availability of medical care in this country proponents of socialized medicine strongly favor prepaid, closed panel group practice, (Kaiser-Permanente prototype) as a panacea for having a doctor available for every patient's every whim. One of the strong selling points, to the medical profession, of the Kaiser closed panel group is the 40-hour work week. The average physician, in private practice, works a 65 hour work week (according to *Medical Economics*). The question therefore is: Would the grouping of physicians in the Kaiser prototype make medical care more available, or would it, indeed, create just the opposite result? Dr. Roger Egeberg, in a speech before the Ohio State Medical Association in Columbus in 1970, stated that if all those physicians now working a 60- to 70-hour week were suddenly to limit their practice to a 40 hour week, the result would be an immediate reduction equivalent to the loss of 50,000 physicians.

I believe it is safe to say that more people are getting more care—better care, overall—than at any time in the history of our country. While there are many small towns without physicians, and while there are cases of people, through ignorance or superstition who don't get to a physician or a hospital, nevertheless, the facts speak for themselves. There have been no widespread epidemics wiping out thousands of people. Few, in this country, are dying in the street because of lack of medical care.

MEDICAL CARE AVAILABLE—IF

Medical care—quality care—is available to the great majority of the American people, provided they are willing to accept personal responsibility in seeking that care. The availability of medical care in this country, at all levels, would be enhanced if:

1. Every family would establish contact with a personal physician or clinic, or some organized medical care group.

2. Patients could be taught to utilize medical facilities properly. This means, for example, not asking for hospital treatment when that type of treatment is deemed unnecessary by the attending physician.

3. Patients can be taught to use good common sense. This means, when possible, utilizing the services of a physician during office hours, rather than waiting until night or on weekends. It also means following physicians' instructions regarding diet, personal habits, and the taking of medication.

4. Patients can be taught that overutilization of all medical personnel and facilities has the effect of reducing the supply, thus diminishing availability.

In summary, politicians seeking votes, social planners and those in government, who for years have been trying to bring about a drastic change in our medical care system have attempted to justify their demands for Socialized medicine by claiming: (1) Medical care is inferior, (2) Medical care is too expensive, and (3) Quality medical care is not available. Their universal answer for these false and unwarranted charges is the European failure of Nationalized or State controlled medicine. The irony of it all is that Socialized medicine existing abroad, and even within our shores, in the form of the Veteran's Administration, historically raises costs, lowers quality, and produces a relative shortage of personnel and facilities.

The public is being propagandized into believing that only the government can provide for their medical care needs. Somehow we must tell our patients and the public that no government can deliver a high quality and reasonably priced medical care. Only physicians, practicing in a stimulating, pluralistic, competitive, free-enterprise environment can do that.

THE GROUNDSWELL OF OPPOSITION TO CANNIKIN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, unless a groundswell of opposition among concerned citizens all across our country causes the President to change his mind, the Nixon administration plans to detonate a gigantic thermonuclear bomb in Alaska this month.

Code-named "Cannikin," the 5-megaton underground blast is designed to test an ABM warhead that responsible scientists say is obsolete. Moreover, "Cannikin" poses a serious threat to the environment, both through radiation seepage and a possible earthquake which could launch a destructive tsunami to Hawaii and other Pacific coastal areas.

Congress has provided by statute that the test cannot proceed unless the President himself so decrees. It will thus be the President's sole responsibility if the disastrous consequences which have been predicted become a reality.

I am gratified that a Federal court decree has imposed a reexamination of the critical environmental dangers of "Cannikin." The test was originally planned for October 2, but now it is scheduled for later this month unless the President decides to cancel it.

My own court suit, seeking the release of the secret Cannikin papers in which five Nixon administration agencies argue against the test, is still pending on appeal. I hope the courts order release of the revealing documents so that Congress and the public can be fully informed of the facts the Nixon administration is trying to conceal.

It is imperative that as many citizens and organizations write to the President as possible urging cancellation of the test and release of the Cannikin papers.

I have already received numerous copies of resolutions and letters from Hawaii and many other areas of the country expressing strong and vocal opposition to "Cannikin." I certainly hope and urge that these pleas to the President increase and continue.

In the meantime, I am including some of the resolutions in the RECORD for the benefit of my colleagues. I am also including news articles regarding my suit to force release of the Cannikin papers.

OCTOBER 1, 1971.

Hon. RICHARD M. NIXON,
President of the United States, White House, Washington, D.C.

DEAR PRESIDENT NIXON: Citizens for Hawaii, a public interest, non-profit organization with 1200 dues-paying members, unanimously adopted a resolution at its membership meeting last night declaring that the Cannikin nuclear test scheduled at Amchitka should not be permitted.

A copy of our resolution is enclosed.

We strongly urge that you cancel Cannikin.

Sincerely,

THOMAS P. GILL,
President, Citizens for Hawaii.

CITIZENS FOR HAWAII OPPOSING THE CANNIKIN TEST

Whereas, the five megaton underground nuclear test planned for Amchitka Island, Alaska, scheduled for this fall is only 2,000 feet from a known earthquake fault, and

Whereas, there is danger of radioactive matter seeping into the ocean year after year, and

Whereas, this radioactive seepage will spread with currents throughout the oceans to be ingested by all the creatures of the sea, and

Whereas, radioactive matter will accumulate in the body as it moves up in the food chain, and

Whereas, in addition to this threat to all the peoples of the world, and most especially to the nations which use fish as a main article of diet, there is the possibility of triggering an earthquake and subsequent tsunami, threatening both the West Coast and Hawaii, and

Whereas, the warhead to be tested is being replaced by an "improved" and smaller missile, with far less nuclear danger, and

Whereas, this test is located on a three-mile-wide island, only 700 miles from U.S.S.R., at a time when arms limitation talks with U.S.S.R. are planned, and

Whereas, the carrying out of the test can only strain our relations with Japan, as well as the Philippines, Taiwan, and Mainland China, and other nations which fish in the Pacific,

Now, therefore, be it resolved, that the test known as CANNIKIN is a dangerous, unnecessary, test which should not be permitted, and

Be it further resolved that, Citizens for Hawaii send a copy of this resolution to President Nixon and to members of our Congressional delegation.

SEPTEMBER 30, 1971.

Hon. PATSY T. MINK,
Member of Congress,
Washington, D.C.

Although time is very short I think it important that you be advised that delegates to the fourth bicentennial convention of the Hawaii State Federation of Labor AFL–CIO unanimously passed a resolution in vehement opposition to the upcoming nuclear test at Amchitka.

B. D. KAYE,
Executive Secretary.

SEPTEMBER 30, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Hawaii County Committee of the Democratic Party at its meeting September 29 voted to request you to cancel the nuclear underground explosion scheduled for the first week in October on Amchitka Island, Alaska.

We fear a blast of this magnitude will trigger an earthquake which will cause a tidal wave or tsunami similar to those experienced in Hilo and vicinity in 1946 and 1960 which resulted in the loss of many lives, including school children, and millions of dollars property damage.

We are also concerned that the blast will injure our relationships with other Pacific nations, such as Japan, Canada and Micronesia, which have registered opposition to it, and might have an adverse effect on the SALT disarmament talks now in progress.

There is no doubt that the explosion will kill thousands of sea otters, seals, whales, falcons, eagles and other endangered species in its immediate vicinity and possibly contaminate the ocean with radioactive materials which will spread throughout the planet by means of ocean currents and the food chain.

We understand that the blast will test a nuclear warhead which has already been declared obsolete by many reputable authorities. To go ahead with this test violates your many pledges to work for nuclear disarmament and peaceful use of the atom. The risks involved with this test far outweigh any good which may come from it. So please use your authority as President to call it off.

Several federal agencies have made studies of the proposed test and recommend that it be cancelled. We note that these studies, the so-called "Cannikin Papers", have been stamped "top secret", and have not been made available either to Congress or to the public. Since our very lives depend upon full knowledge of this matter, we ask that you make public the Cannikin Papers in the spirit of the Freedom of Information Act of 1966 and as requested by our Representative in Congress, Mrs. Patsy T. Mink.

Sincerely,

TADAO OKIMOTO,
Chairman, Hawaii County Committee, Democratic Party of Hawaii, Hilo, Hawaii.

UNITARIAN CHURCH OF HONOLULU,
September 30, 1971.

Representative PATSY T. MINK,
Washington, D.C.

DEAR MRS. MINK: The Public Affairs Council on behalf of the First Unitarian Church of Honolulu opposes the U.S. Government's plans to conduct nuclear tests at Amchitka, Alaska.

We oppose it because we do not believe it is entirely without danger. Besides the danger of earthquake, escaping radioactive gases and tidal waves at the time of the test, what about latent dangers that could be disastrous to future generations? What will become of the radioactive material at the test site? Will it always remain at a safe distance from everyone? It seems we are running considerable risks and for what?

We learn of various reports of considerable stature citing the tests as unnecessary. These reports are squelched by the government. Antagonism and distrust of the government grows. We urge you to do what you can to stop these tests and return our country to its greater role, that of leading the world to peace.

Sincerely,

WILLIAM SINTON,
Chairman, Public Affairs Council, Unitarian Church of Honolulu.

SEPTEMBER 30, 1971.

Hon. PATSY T. MINK,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE MINK: The Pennsylvania Division of the American Association of University Women strongly endorses national AAUW action in urging cancellation of the proposed underground nuclear test at Amchitka Island, Alaska.

We believe that no questionable military advantage to be furthered by such a test merits the frightful risks to all forms of life and to the balance of natural forces in that area of our country—and possibly far beyond.

Sincerely yours,

Mrs. E. GILLET KETCHUM,
Legislative Program Chairman, Pennsylvania Division, American Association of University Women.

SEPTEMBER 29, 1971.

Congresswoman PATSY MINK,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: Enclosed find a resolution urging cancellation of the Amchitka Nuclear Test which was adopted at the just-concluded Biennial Convention of Hawaii Local 142 of the International Longshoremen's & Warehousemen's Union, representing 24,000 workers in the Sugar, Pineapple, Longshore, Tourism and General Trades industries in the State of Hawaii.

Sincerely,

ILWU LOCAL 142, HONOLULU, HAWAII,
CARL DAMASO, *President.*

RESOLUTION ON AMCHITKA NUCLEAR TEST

Whereas, the United States has scheduled a massive underground nuclear test at Amchitka, Alaska; and

Whereas, according to abundant scientific testimony, such a test poses possible critical dangers, including tsunami effects, for the people of Hawaii and the entire Pacific area; and

Whereas, the holding of such a test by the United States could seriously undermine current arms limitations discussions with the Soviet Union; therefore lie it be

Resolved, we of ILWU Local 142 oppose the Amchitka nuclear test and urge President Nixon to cancel it, and be further

Resolved that we urge the entire Hawaii Congressional delegation to support our position.

HONOLULU, HAWAII,
September 28, 1971.

DEAR CONGRESSWOMAN MINK: Your request for a letter to Pres. campaign seems to be gaining here. If the people you contacted to help you worked as hard as I did the idea will spread.

Immediately on getting the letter I wrote to as many local papers, radio and TV. Tho my letters to the editor weren't printed, 2 good long editorials appeared in Bulletin and Advertiser.

I worked as long as 18 hours a day making calls and writing to friends and taking signatures at beach and hotel lobbies. Wrote to Pierre Elliott Trudeau in Ottawa and the AEC. KGMB made me copies of your letter to include, etc. I alerted youth groups, Jaycees, chamber of commerce, etc., etc.

I used 3 books of stamps, 100 sheets of paper etc., etc. The people on my telephone line are all mad at me!

Enclosed are quick copies of 2 cartoons which may amuse you!?!

Aloha,

EVELYN M. SMART.

CONSERVATION COUNCIL FOR HAWAII,
MAUI CHAPTER,
September 28, 1971.

Hon. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am sending you petitions signed by 1,871 people of the island of Maui, Hawaii. These signatures were gathered by our members during a twenty-four hour period on September 24th and 25th, 1971.

The response we received at our four petition stations indicated that a large majority of the people of this island are opposed to the proposed nuclear test on Amchitka Island.

Maui people have suffered death and destruction from past tsunamis, and although the chance of a tsunami is a rather slim one, it is a very real one. We do not wish to be guinea pigs for the Atomic Energy Commission.

You may notice a great variety of names on these petitions. They represent the many races of people here. People of all ages, occupations and political persuasions. All of us unite in asking you to stop the Amchitka Nuclear Test.

Sincerely yours,

ROBERT BRUCE, *President.*

SEPTEMBER 23, 1971.

The PRESIDENT,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: In view of the potential risk to the people of Hawaii and the rest of the Pacific Basin, I earnestly urge you to use the power of your office to cancel the forthcoming Amchitka nuclear test.

Hawaii, which has suffered in the past from tsunamis emanating from the Aleutians, looks to the President to cancel the test unless there is concrete assurance no devastating wave will be generated.

Very truly yours,

GEORGE KOGA,
Chairman and Presiding Officer.

SEPTEMBER 23, 1971.

Hon. RICHARD M. NIXON,
The President,
Washington, D.C.

It has been brought to my attention that certain documents dealing with possible environmental risks related to the nuclear test "Cannikin", scheduled for October 2, 1971, on Amchitka Island, Alaska, have been classified "top secret" only because they were attached to classified material and do not, of themselves, contain any classified material. It has been further reported that specific documents by William D. Ruckelshaus and Russell E. Train dealing with their estimation of the possible environmental risks have been declared by the authors to not merit the classification "top secret".

The President is requested and encouraged to make public those documents and papers relating to the nuclear test "Cannikin". We in Hawaii are particularly concerned because of past live-taking waves that have originated from the Aleutian area.

The people of Hawaii County call upon you to release the information as we are greatly concerned about the scheduled test.

SHUNICHI KIMURA, *Mayor.*

SEPTEMBER 21, 1971.

Hon. PATSY T. MINK,
Member of Congress, House of Representatives, Washington, D.C.

DEAR MADAM: We are in receipt of your letter dated Sept. 10th. in which you requested our assistance in expanding public

awareness about the secret documents which have been filed with the President—the ones critical of the Amchitka nuclear test.

On Friday Sept. 17th. an "Amchitka Day" was held in the town square of this city and citizens representing scientific, ecology, fishermen, business men, church, student, school board organizations etc. were invited to express their views as to why they were opposed to the blast. Your letter was read to the people and the enclosed resolution presented for their approval, which by a show of hands was overwhelmingly supported. We estimate there were approximately twenty-five hundred people present over a period of three or four hours that heard the letter and resolution read, and this was later reported on the radio and in the newspapers.

We have sent a copy of the resolution to President Nixon, and hope that our efforts will in some small way have helped to expose this issue of secrecy.

Yours truly,

MURIEL M. ARMSTRONG,
Corresponding Secretary.

RESOLUTION

Whereas the Administrator of the United States Environmental Protection Agency has stated there is no substantiative reason for classifying as "top secret" his recommendations to the Presidential committee on the underground nuclear test on Amchitka Island.

Whereas there have been persistent rumors that the above Agency as well as the White House Council on Environment have recommended cancellation of the test because of possible environmental damage.

Whereas thirty-four members of the United States Congress have demanded the release of these reports because they believe they are entitled to have access to them in order to be able to legislate intelligently, and whereas the public as well have the right to be informed.

Therefore be it resolved that we, gathered here today support those groups and agencies in their request to President Nixon that he release the reports to the public.

SEPTEMBER 15, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Hawaiil Chapter of the United Nations Association by unanimous vote of its board wishes to register its most emphatic opposition to the nuclear test scheduled for Amchitka.

Our objection is based on three grounds:

1. The test is opposed by two of our closest friends in the Pacific area, Canada and Japan, and will without question increase suspicion of our intentions in Russia and China with which nations we have apparently entered into a more cordial relationship which we hope will continue to increase.

2. The explosion threatens the life, human and animal, as well as water and vegetation of the area. Recent publications state that the experts in the nuclear development program have been mistaken in the past in their calculations of the effects of nuclear testing.

3. The aura of complete secrecy extending even to the Congress imposes an additional hazard to our democratic processes and suggests a police state course of action utterly alien to our democratic way of life and government and in sharp conflict with everything this country has stood for since our constitutional form of government came into being.

We believe in Thomas Jefferson's warning that the price of freedom is eternal vigilance. We view with deepest concern the ongoing encroachment on public information under the guise of national security.

We understand a sizable number of groups and individuals have voiced their fears and objections. We join them in their plea that the project will be abandoned so that our Pacific friends and neighbors will not be affronted with what would appear to be a belligerent intent or at best a threat to human and wild life. We wish to express the hope that the government's course in denying to our own Congress knowledge of undertakings of so vast a nature cease. We fear that if such an insidious course persists we will slowly but surely become a government not signally different from those countries whose ideological beliefs and methods we oppose.

Respectfully,

JOHN F. ALEXANDER,
President, Hawaii Branch, United Nations Association.

SEPTEMBER 20, 1971.

Hon. PATSY T. MINK,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: The Issue Response Committee of the Department of Strategy and Program of the Hawaii Conference of the United Church of Christ, at its duly called meeting of September 14, 1971, went on record to extend to you its unanimous support of your position in opposing the plans for the extended detonation of nuclear armaments at Amchitka Island, Alaska. While the Committee acknowledges the importance of the testing of nuclear devices for national security, it does feel that this series of tests, with its undetermined effects upon people and the ecological balance in the immediate and surrounding areas, is unnecessary, unwise and harmful.

We are also communicating our concern to President Nixon, appealing to him to use the powers of his office to prevent the detonating of nuclear devices at Amchitka, as well as to remove the secrecy limitations on data and documents related to this exercise particularly in the light of the recommendation of five Federal agencies requesting cancellation or postponement of these tests.

Please accept the heartfelt thanks and aloha from our Committee. We pray for your continued courageous effort in behalf of a more peaceful world.

Yours sincerely,

NELSON Y. C. KWON,
Hawaii Conference of the United Church of Christ, Honolulu, Hawaii.

JULY 19, 1971.

Representative PATSY MINK,
House of Representatives,
Washington, D.C.

DEAR PATSY, Thank you very much for your press release of July 10th indicating the efforts you and Reps. Matsunaga, Van Deerlin, and Begich are making in the House to cut out funds for the nuclear tests planned for this fall at Amchitka Island in Alaska.

In the last official action taken on the last day of the Biennial Convention of the American Association of University Women at Dallas (July 1, 1971) the delegates voted to adopt a resolution offered jointly by Hawaii and Alaska to request the President of the United States to order the Atomic Energy Commission to cancel plans for these tests. AAUW, as you may know, has well over 170,000 members in more than 1700 branches in the 50 states.

My (environment) commitee has proposed setting up an Environmental SOS alert program in which State Divisions which need help through Congressional action will ask their sister divisions for help. It seems to me that CANNIKIN poses enough danger to us to make it an appropriate issue with which to launch the system.

I am writing AAUW today to see whether the letter will go out from Washington or from here and will ask someone there to get in touch with you about securing 50 extra copies of your release to go with it.

Aloha,

JOAN HAYES,
National Environment Chairman, American Association of University Women, Honolulu, Hawaii.

ARTICLE ON RESOLUTION NUMBER 17, TO STOP THE AMCHITKA TEST, FROM "AAUW JOURNAL," OCTOBER 1971

Cancellation of plans for an underground nuclear test at Amchitka Island, Alaska, was the object of one resolution approved at the Dallas convention, and AAUW lent its voice to the growing outcry of environmentalists, scientists and anti-war group vigorously opposed to this venture.

Although the exact date for the detonation (code named Cannikin) has not been set as of this writing, all efforts to halt it have met powerful opposition. Attempts to stop Congressional approval of funds were unsuccessful, although Sen. Inouye of Hawaii did win passage of an amendment requiring a specific go-ahead by the President.

A federal judge rejected a request by 33 members of Congress for access to a report advising the President against the test. The same judge ruled for the blast in a suit which charged that the Atomic Energy Commission's assurances of safety had proven false in 18 other tests and could fail again. "We learn by trial and error," said the judge.

Amchitka Island, 700 miles from Russia, is inhabited only by a number of endangered species of wildlife. It was set up as a National Wildlife Refuge in 1913. Presumably it was chosen over Nevada, the usual test site, because 68 of the 253 underground tests there—more than one-third—have had radiation leaks.

The blast will be 250 times the size of the one that wiped out Hiroshima and will displace three cubic miles of earth. The water level and land area at Amchitka are such that Cannikin might reach the ocean floor. If the explosion occurs in water the impact is doubled. That is one reason the President asked Congress in July to ratify a treaty banning the use of atomic weapons on the ocean floor. (Cannikin may also violate the 1963 Test Ban Treaty, and will surely not help the SALT talks.)

The site is athwart a major earthquake fault which runs from Alaska to South America—through San Francisco. The cyclic, seven-year peak of earthquake activity as charted by geologists comes this year.

The threat to marine life throughout the North Pacific and beyond, the possible elimination of the fishing industries of several countries, the possibility of tidal waves, the dispersion of radioactive matter into the sea—all are further dangers.

These risks are undertaken to measure the yield of a five-megaton warhead of a missile designed some six years ago. The missile has since been improved and would carry a different warhead. One argument for going ahead with the test is that most of the projected $118 million total cost has already been spent. Still, the President's own Office of Science and Technology has declared the test obsolete.

It may only be possible to stop Cannikin now by a massive public protest directed to the President. This is an occasion, if there ever was one, for your letters and telegrams to him and to your Congressmen.

ILWU LOCAL 142,
Honolulu, Hawaii, June 21, 1971.

Congresswoman PATSY MINK,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: Enclosed find a Statement of Policy adopted by the Executive Committee of Local 142 at its meeting of June 18, 1971.

Our Union respectfully requests that you do all in your power to prevent the nuclear test scheduled for Amchitka in October.

Sincerely yours,

CARL DAMASO, *President.*

ILWU STATEMENT OF POLICY ON AMCHITKA NUCLEAR TEST

(Issued by Executive Committee, Local 142 International Longshoremen's & Warehousemen's Union, June 18, 1971)

The Hawaii ILWU is strongly opposed to Atomic Energy Commission plans to set off a 5 megaton nuclear explosion below the Aleutian island of Amchitka next October.

The AEC cannot guarantee that this test—four to five times bigger than the 1970 test, and the biggest underground test ever tried—will not generate earthquakes or tsunamis which could destroy lives and property in Hawaii. The area on the Aleutian fault line is known to be geologically unstable and movement there has sent catastrophic tidal waves to Hawaii in the past.

The proposed test is connected with ABM development, which this union opposes. ILWU members oppose nuclear weapons testing and the arms race because instead of increasing our safety they increase the probability of mass death, and at the same time create radioactive health dangers in our daily environment. We want our government to move ahead in the SALT (Strategic Arms Limitation Talks) with the Russians to halt this insane race towards death.

An additional danger of the Amchitka test is that this nuclear muscle-flexing will damage the atmosphere of these crucial SALT negotiations.

The force of logic and outraged public opinion has finally moved the AEC to promise to halt all underground testing, after the Amchitka test. The same logic demands that the halt begin now, instead of allowing "just one more" gamble with a bigger bomb.

[From the Honolulu Star-Bulletin, Oct. 5, 1971]

SUIT AGAINST AMCHITKA TEST

WASHINGTON.—The U.S. Court of Appeals today ordered a lower court to reconsider its dismissal of a suit seeking to halt the big underground nuclear explosion planned on Alaska's Amchitka Island this month.

The suit, filed by seven conservation groups, charged that the Atomic Energy Commission (AEC) did not meet standards set by the National Environmental Policy Act in its evaluation of the effects of the test, which would be the most powerful ever set off underground.

The district court disagreed, but the appeals court said the lower court decision was "erroneous" and it should reopen the case.

It said there were "unresolved questions of fact that needed to be argued" and that the district court's dismissal of the case "was plainly inappropriate."

Environmental groups oppose the test on grounds it may trigger earthquakes in the tremor-prone area and cause serious tsunamis along the Pacific coast and in Hawaii. They claim it also could destroy wildlife and the ecology of the Aleutian Islands.

[From the Honolulu Star-Bulletin, Sept. 29, 1971]

N-BLAST PROTESTERS HAVE FUEL PROBLEM

VANCOUVER, B.C.—The Canadian protest mission Greenpeace plans to stay in the Aleutian village of Akutan, about 600 miles from Amchitka, as long as possible in an attempt to conserve fuel, a spokesman says.

Dorothy Metcalfe, wife of one of the men aboard the Greenpeace halibut boat reported from the mission's communications center here yesterday that the crew had taken on food and water at Akutan, but could not get fuel.

The 12-man mission plans to sail to Amchitka, site of a proposed U.S. five-megaton nuclear test, and lie outside the three-mile limit to take scientific measurements of the blast.

However, doubt about the time of the test, originally expected in early October, has caused concern about the Greenpeace fuel.

The mission was denied permission to enter the U.S. naval security zone at Dutch Harbor on neighboring Unalaska Island and doesn't know another source of fuel in the area.

ANCHORAGE, Alaska (UPI)—A U.S. district judge reserved his decision yesterday in a suit filed by the Aleut League of Alaska natives against the Atomic Energy Commission to halt the planned Cannikin nuclear bomb explosion.

Judge Raymond Plumber said he expected to make his decision within five or six days.

The Aleuts contended the five-megaton nuclear blast, which would be detonated 5,875 feet under the surface of Amchitka island, would create seismic disturbances and disrupt marine life upon which the natives are dependent for survival.

The AEC contends all environmental safeguards have been taken and there is no reason to fear the test, the largest underground blast in U.S. history.

[From the Washington Post, Aug. 31, 1971]

AEC WINS COURT TEST ON A-BLAST

(By Sanford J. Ungar)

A federal judge ruled yesterday that the largest underground atomic explosion ever set off by the United States—scheduled for early October beneath an Alaskan island—will comply "with all relevant laws and treaties."

Rejecting a challenge by scientists, environmentalists and antiwar groups, U.S. District Court Judge George L. Hart Jr. granted summary judgment for the government in the last pending legal attack on the atomic test code-named Cannikin.

To delay or cancel the controversial blast 6,200 feet below Amchitka Island in the Aleutian Chain, the judge suggested, "may cost us our entire liberty."

It was the second time in less than a week that Hart had ruled in favor of the atomic Energy Commission's plans for the Cannikin test.

Last Thursday, he rejected an effort by 33 members of Congress to obtain release of a secret report which allegedly advised President Nixon against approving the test of a Spartan ABM warhead.

Both cases are expected to be taken to the U.S. Court of Appeals here within the next few days.

Legal sources said yesterday that the Aleut League, made up of Alaskan natives who live near the test site, will also file suit in U.S. District Court in Alaska later this week, questioning the safety aspects of Cannikin.

In the lawsuit rejected by Hart yesterday, the Committee for Nuclear Responsibility and seven other organizations contended that the AEC had violated the National Environmental Policy Act in planning the test and that the blast itself may violate the 1963 Limited Test Ban Treaty.

They charged that the AEC's "containment" theory—which presumes that all radioactivity will be absorbed by underground rock—has gone wrong in 18 other tests and could fail again.

In a legal memorandum filed with Hart, the plaintiffs in the suit alleged that the AEC had taken a "blandly optimistic approach" to the possible dangers of Cannikin.

Hart acknowledged during yesterday's hearing that he accepted the AEC's uncertainty over some of the effects of the blast.

"We learn by trial and error," he said during a heated exchange with attorney David Sive of New York. "Are we to halt all of these things so long as there is any possibility of error?

The judge also rebuffed the contentions of the environmental groups, including Friends of the Earth, the Sierra Club and the Wilderness Society, that Cannikin will kill large numbers of sea otters, seals and sea lions, as well as destroying nests of two of the world's rarest birds, the peregrine falcon and the American bald eagle.

Hart acted earlier on a government motion to halt all procedures leading up to a trial on the case, scheduling the hearing yesterday to hear the government's argument for disposing of the suit quickly.

Sive objected that such a summary judgment was inappropriate, since there is a substantial dispute over the facts in the case, including the possible treaty violation.

But Hart disagreed, acting on the basis of the written pleadings in the case and without taking the testimony that the groups wanted to present at an eventual trial.

Insisting that the national defense aspects of the case were crucial, the judge sharply questioned Sive about the attempt in the courts to prevent nuclear testing.

"Do you suppose a similar thing to this is going on in a couple other countries in the world?," Hart asked.

"I would assume that the military authorities there do not have the problem of obedience to certain laws that we have," Sive replied. "There are certain little disadvantages in this country."

The government's argument against the lawsuit rested on its insistence that the decision to conduct such an atomic test "is a matter of basic national policy relating to the conduct of the national defense" in which the courts should not intervene.

Edward J. Bloch, acting general manager of the AEC, also contended in an affidavit that ever since President Johnson granted initial permission in December, 1966, to use Amchitka Island for the test, the agency had respected all safety considerations.

The AEC says that the Cannikin test is essential to measure accurately the yield of the five-megaton warhead and to minimize the risk of stockpiling a defective weapon. By the time the blast is set off, it will have cost the nation $118 million.

Both houses of Congress have appropriated funds for the test, but the Senate version of the legisltion requires specific approval by President Nixon before it is detonated. He is expected to act in the next few weeks.

[From the Washington Post, Aug. 27, 1971]

JUDGE RULES FOR SECRECY OF A-REPORT

(By Philip A. McCombs)

U.S. District Court Judge George L. Hart, asserting that "some things have got to be secret," yesterday denied the effort of 33 members of Congress to obtain release of a report said to have advised President Nixon against the nuclear test (code-named Cannikin) scheduled for Oct. 2 under Alaska's Amchitka Island.

The members of Congress need the report so that they can "exercise their constitutional power," former U.S. Attorney General Ramsey Clark told the court.

He said they are entitled to such information under the Freedom of Information Act unless the President specifically invokes his executive privilege, which he has not done in the case of the report.

It was sent to the President July 17 by a special National Security Council committee headed by Under Secretary of State John N. Irwin III.

The report includes several memoranda and reports classified "top secret" and "secret," including documents from Henry Kissinger's Defense Program Review Committee, the Atomic Energy Commission, the Council

on Environmental Quality, the Environmental Protection Agency and the Office of Science and Technology.

In the argument with Clark and government attorneys yesterday, Judge Hart said, "It seems to me you members of Congress would like to put a reporter in the Cabinet room and listen to who advises the President of what."

Judge Hart argued the government's point of view that if members of Congress cannot obtain documents with their own powers, then it is not the place of courts, under the separation of powers, to intervene. He told Clark that, "I can't think of any group on earth, including the President, that has a greater ability to gather information than the Congress."

Clark said he believes that the secret report recommends against the Cannikin test on grounds that it will be detrimental to the environment. Judge Hart challenged this, asking how Clark knew what it said.

Clark conceded that he was not positive, but said this simply underlined his argument that members of Congress need to see the report to be able to legislate intelligently.

He also suggested that Judge Hart should rule in favor of the members of Congress to avoid a stinging reversal, such as the one administered April 13 to Judge John H. Pratt's dismissal last summer of an attempt by environmental groups to obtain release of a secret anti-SST report prepared for the President by the Office of Science and Technology.

The U.S. Court of Appeals here ruled that the report was not covered by executive privilege, and ordered Judge Pratt to reconsider whether it came under one of the nine exemptions to the Freedom of Information Act.

In an unexpected move, the government released the SST report the week before the lower court reconsidered it, saying it did so "to counter impressions . . . depicting the government as attempting to conceal hitherto undisclosed factual data . . ."

Yesterday Judge Hart, to avoid a constitutional issue, dismissed the suit as brought by members of Congress. Further, he ruled that as individual citizens the plaintiffs are not entitled to see the report because it falls under two exemption categories of the Freedom of Information Act.

These categories pertain to materials "specifically required by executive order to be kept secret in the interest of the national defense or foreign policy" and to "interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

The members of Congress, led by Patsy T. Mink (D-Hawaii) and including a number of congressmen from the West Coast, have been fighting the Cannikin test mainly because they fear it will trigger earthquakes or tidal waves.

The five-megaton test of an ABA warhead for the Spartan missile is expected to be the largest underground atomic test ever conducted by the United States and is expected to release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

Environmentalists say the test will kill large numbers of sea otters, seals and sea lions. They also claim that Cannikin will destroy nests of two of the world's rarest birds, the peregrine falcon, and the American bald eagle.

Another suit filed July 8 by eight national conservation and antiwar groups seeks to block the test entirely as a threat to wildlife, the environment and international relations.

The government last week filed a motion to dismiss this suit, and the case is pending before Judge Hart.

[From the New York Times, Sept. 2, 1971]

RUCKELSHAUS SCORES LABEL OF SECRECY ON A-TEST NOTE

(By E. W. Kenworthy)

WASHINGTON.—William D. Ruckelshaus, administrator of the Environmental Protection Agency, says that there is no substantive reason for classifying as top secret his recommendations to the Presidential committee on the underground nuclear test scheduled for early next month on Amchitka Island.

"There was nothing in my comments that needs to be stamped 'top secret,'" he told reporters yesterday.

His comments and recommendations were made in a letter to John N. Irwin 2d, Under Secretary of State, who is chairman of the Under Secretaries Committee. President Nixon, in June, 1969, directed his committee to review the underground test program of the Atomic Energy Commission.

In this capacity, the Irwin committee transmitted to the President last July 17 a top secret memorandum and report on the proposed five-megaton blast to test an antimissile warhead for the Spartan missile, the long-range interceptor in the Safeguard missile defense system.

The shot will be fired in a chamber carved out of solid basalt 6,000 feet below the surface of the Aleutian Island. Already, almost $200-million has been spent on digging two shafts and setting up instruments in the chamber.

RUMORS PERSIST

Attached to the Irwin committee memorandum and report were several other documents, including letters from Mr. Ruckelshaus and Russell E. Train, chairman of the White House Council on Environmental Quality.

There have been persistent rumors in Washington that Mr. Ruckelshaus and Mr. Train recommended the cancellation of the test because of possible environmental damage.

It has been impossible to verify these rumors, however, because the Ruckelshaus and Train letters were classified "top secret" under a security practice known as "classification by association." This requires that any documents that could normally be unclassified become classified when they are attached to classified material.

Since the Irwin memorandum and report dealt with a highly classified weapons system, the Ruckelshaus and Train letters, dealing with possible environmental risks of the blast, also became classified when they were incorporated in "the package" sent to the President.

RUCKELSHAUS' VIEW

In a breakfast meeting with reporters yesterday, Mr. Ruckelshaus was asked whether the thought that his letter needed to be classified. He replied:

"The document I received (from Mr. Irwin for comment) was marked 'top secret.' I was informed my comment should be 'top secret.' There was nothing in my comment that needs to be stamped 'top secret.'"

Quite apart from the question of classification of his comments to the Under Secretaries Committee, Mr. Ruckelshaus is required by law to comment publicly in writing on the environmental impact of any proposed Federal project. This requirement is contained in the Clean Air Act of 1970.

Mr. Ruckelshaus has not made such public comment. He was not available to answer questions on why he had not done so.

Many environmental groups, several scientists and a fairly large body of Congressmen have urged cancellation of the Amchitka project, expressing fears that the blast—equivalent to five million tons of TNT—might trigger an earthquake in an area of geologic faults, start a seismic tidal wave known as a "tsunami," leak radiation into the air of water and kill others, sea lions, seals and birds.

However, the Atomic Energy Commission, with the support of many scientists has insisted that such hazards are remote.

SUIT DISMISSED

Last Friday, Federal District Court Judge George L. Hart in Washington dismissed a suit brought by 33 members of Congress who sought a court order to force the publication of the Irwin report and the attachments.

It was the contention of the Congressmen that such publication was required by the Freedom of Information Act; that there was reason to believe the withheld documents warned of environmental damage from the blast, and they needed the information in the report to perform their legislative duties.

Judge Hart, however, asserted that "some things have got to be secret." He held that the material sought by the Congressmen rightfully came under the exemption in the Freedom of Information Act of matter relating to the nation's security.

On Monday, Judge Hart ruled for the Government in another suit brought by eight environmental and antinuclear testing organizations. They sought an injunction against the test on the ground that the Atomic Energy Commission had violated the National Environmental Policy Act by submitting to the Council on Environmental Quality an "environmental impact" statement that did not meet the law's requirements.

[From the Washington Evening Star, Aug. 27, 1971]

JUDGE BLOCKS HILL SUIT ON ALASKA A-TEST DATA

A federal judge here has ruled that 33 congressmen cannot use their congressional status to sue the Nixon administration over a secret report on the upcoming atomic test in Alaska.

U.S. District Court Judge John L. Hart Jr. made the ruling yesterday after the legislators, led by Rep. Patsy Mink, D-Hawaii, argued that they were entitled as congressmen to gain access to administration reports.

Hart ruled that the matter was "nonjudicable" because of the political aspects involved in a suit by members of one branch of government against another.

The suit was one of several involving the so-called "Amchitka test" which the Atomic Energy Commission has scheduled for October.

The proposed underground blast has received widespread criticism from conservation forces but the House refused three weeks ago, by a vote of 282 to 108, to block it.

The suit sought release of a report, labeled top secret, which has been circulating among various governmental agencies involved in the test.

According to the suit the report originated in the National Security Council and contains comments by several other agencies, including the Environmental Protection Agency.

Hart ruled that the congressmen are entitled to sue as citizens. But he then dismissed their suit on grounds that the Freedom of Information Act exempts access to classified documents by ordinary citizens.

Sources interpreted Hart's ruling as an attempt to void the constitutional question of separation of powers in government.

The congressmen, represented by former U.S. Atty. Gen. Ramsey Clark, are considering an appeal.

[From the Washington Post, Aug. 12, 1971]

ASK RELEASE OF ALASKA STUDY—30 ON HILL FILE SUIT FOR SECRET A-REPORT

Thirty congressmen filed a lawsuit in U.S. District Court here yesterday, seeking release of a secret government report they believe is critical of the Atomic Energy Commission's plans for underground nuclear tests on the Alaskan island of Amchitka.

Filing under the Freedom of Information Act, they contended that the secret report

includes "vitally needed information" for exercise of congressional legislative powers.

They are represented by former Attorney General Ramsey Clark, whose law office here has handled legislative and court matters of concern to Alaskan natives.

In a letter attached to the lawsuit, presidential counsel John W. Dean III told Rep. Patsy Mink (D-Ha.) that the report—prepared by an interdepartmental committee headed by Under Secretary of State John N. Irwin III—was "prepared for the advice of the President."

He refused to submit the committee's recommendations to Mrs. Mink because they "involve highly sensitive matter that is vital to our national defense and foreign policy."

The lawsuit was assigned to Federal District Judge George L. Hart, Jr., who is already considering a related case brought by conservation and antiwar groups who want the nuclear tests cancelled.

The $118 million five-megaton test of an ABM warhead called Cannikin is scheduled for this fall.

Dr. Glenn T. Seaborg, departing chairman of the AEC, said last weekend that the test "can be carried out entirely safely."

But opponents contend that Cannikin will kill large numbers of sea otters, seals and sea lions and perhaps trigger earthquakes and tidal waves that could threaten Hawaii.

The report which the congressmen sought in their lawsuit yesterday was prepared by representatives of the Environmental Protection Agency, the Council on Environmental Quality and the President's Office of Science and Technology, along with Irwin.

Mrs. Mink was joined by congressmen from both parties and states across the country in filing the legal action.

The U.S. Court of Appeals here recently reversed a federal court's refusal to release a similar report on the supersonic transport airplane.

[From the Washington Post, Oct. 6, 1971]

REHEARING ORDERED ON ATOM TEST

(By Phillip McCombs)

The U.S. Court of Appeals here has ordered a lower court to reconsider its Aug. 30 ruling that the largest underground atomic explosion ever set off by the United States—planned for late October underneath an Alaskan island—will comply with all relevant laws and treaties.

In reversing the earlier ruling by U.S. District Judge George L. Hart Jr., a three-judge panel of the appellate court unanimously ordered Hart to go much further in considering possible "responsible scientific opinion as to possible adverse environmental consequences" of the test, code-named Cannikin.

While yesterday's decision did not order a halt to the controversial test, some sources believed that the decision would have an impact at the White House, where officials say formal approval for the test is still under study.

The Committee for Nuclear Responsibility and seven other environmentalist organizations have sought to stop the test on grounds that the Atomic Energy Commission violated the National Environmental Policy Act in planning the test and that the test may also violate the 1963 Limited Test Ban Treaty.

Yesterday, Chief Judge David L. Bazelon of the U.S. Court of Appeals and Judges Harold Leventhal and Spottswood W. Robinson III wrote that Judge Hart had acted improperly in stopping discovery proceedings in August and thereby foreclosing the plaintiffs' chance to prove their environmental allegations.

"The court has a responsibility to determine whether the agencies involved have fully and in good faith followed the procedure contemplated by Congress," wrote the panel.

This procedure involves "setting forth the environmental factors involved in order that those entrusted with ultimate determination whether to authorize, abandon or modify the project, shall be clearly advised," wrote the panel.

At issue in the case is whether an "impact statement" evaluating the environmental effects of the test and published by the AEC fulfilled the requirements of the environmental act. The plaintiffs have contended that the government has not revealed secret reports opposing the test on environmental grounds.

The Appeals Court rejected the argument that Congress' authorization of the test represented a "conclusive determination of the sufficiency of the impact statement."

Judge Hart, who is on vacation and will return next Tuesday, did not indicate yesterday how soon he will rehear the case.

The plaintiffs—SANE, the Sierra Club, Friends of the Earth, National Parks and Conservation Association, the Wildness Society, Association of American Indian Affairs, Committee for Nuclear Responsibility and Amchitka Two—have sought a top-secret report advising President Nixon against the test.

The report apparently includes several classified documents from the AEC, Council on Environmental Quality, Environmental Protection Agency and Office of Science and Technology.

Judge Hart in an earlier ruling denied the effort of 33 members of Congress to obtain release of the report on the ground that "some things have got to be secret."

The five-megaton test of an ABM warhead for the Spartan missile is expected to release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

Environmentalists have said that the test will kill large numbers of sea otters, seals and sea lions on Amchitka Island in the Aleutian chain. They also claim that the test will destroy nests of two of the world's rarest birds, the peregrine falcon and the American bald eagle.

The AEC has maintained that the blast will have little if any negative effect on the environment, and cities for evidence of this a one-megaton test on the island in 1969.

Sen. Mike Gravel (D-Alaska), who has fought against the test, said that yesterday's decision is a "major breakthrough in the fight to stop this senseless project." He said the decision "clearly brings about a delay of the test for an indefinite period of time."

"I think in effect it does halt the test," said David Sive, an attorney for the plaintiffs, "but it's a political judgment. It (the decision) may well be the straw that breaks the camel's back."

A SALUTE TO THE VETERANS' ADMINISTRATION'S VOLUNTEER SERVICE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the most important and valuable activities associated with the Veterans' Administration hospitals is the program of volunteer services. Without the help of all these dedicated private citizens the effectiveness of our VA hospitals would suffer very greatly.

Earlier this year the VA hospital in Albany celebrated its 20th anniversary in a ceremony paying special tribute to all the great contributions rendered to the Veterans' Administration by this volunteer service program. On that occasion Paul J. Hess, a quadraplegic patient at the Albany VA hospital for the past 13 years, presented a brief but very eloquent statement of how much that volunteer service had meant to him. His words are both a tribute to the volunteer service and a reflection of his own great courage and enthusiasm. And they also say much more than any formal bureaucratic statement on the effectiveness of VA hospital care could do.

So I am happy to bring Mr. Hess' remarks on the service of these fine volunteers to the attention of all my colleagues. The remarks follow:

WHAT VOLUNTEER SERVICE HAS MEANT TO ME

The Veterans Administration Volunteer Service (VAVS) has meant the world to me! Ever since I was stricken with Bulbar Polio nearly 13 years ago I have relied very heavily on volunteer services. They have provided me wheel-chair escort to X-Ray, Dental and Therapy appointments. They have assisted me in making numerous phone calls and in writing innumerable letters. In fact a volunteer is typing this essay for me. They have taken me to the weekly Chapel Services in the Hospital and have shown movies that I have enjoyed. They have shopped for me in the Canteen and gift-wrapped packages. Many, many times they have just stopped to say "hello" to make the day a little more cheerful.

These are all rather routine services but the VAVS has also provided me with several special, personal services. I shall always remember the first few months of my sickness when I was in an iron lung 24 hours a day and greatly missed my three children, ages 1, 2, and 3, who could not visit me in the hospital. A group of volunteers went to my home, took some home movies of my children, and then showed them to me in the Hospital. I like to read, and weekly the volunteer from the Library provides me with new books and magazines. Several different volunteers over the years have come in to play Chess with me. Right now the biggest event that I look forward to each week is my regular Thursday evening Bridge game. Three volunteers from a local Church affiliated group come in to make this game possible.

But all these services pale in the light of the services the VAVS has provided me in order that I might start to lead a useful life again. After five years of polio I had worked my way out of an iron lung to the point where I only needed to use a chest respirator 14 hours a day. Eight of the other 10 hours a day I was able to sit in a wheelchair. While in bed the only thing I could do was turn pages using a mouth-stick. But when up in a wheelchair and equipped with a "Warm Springs Feeder" I was able to make some use of the limited function of my left hand. I began to look for something to do.

There are still many problems to be solved in order that I can work efficiently but there are many volunteers who are willing to help me solve them. Although I still have a way to go before I can do nearly a normal day's work, with the help of volunteers I have already come a long way. Without them none of this would have been possible. I now feel my days are purposeful and that I again can make a meaningful contribution to my family and to Society. This is a great feeling! I can thank the VA Hospital for my life! I can thank the VAVS for my enthusiasm for living!

THE LATE HONORABLE JOHN C. WATTS

(Mr. LANDRUM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LANDRUM. Mr. Speaker, I am

distressed to learn of the passing of a distinguished Member of this House and a very dear personal friend, the Honorable John C. Watts of the Sixth District of Kentucky.

No one could know John Watts without understanding that he was one of the most complete representatives of the people that has ever served in this body. His keen, perceptive mind told him what proposed legislation would do and his understanding of the needs of the people of his district, his State, and this Nation told him whether the proposed legislation should be supported or not supported.

John Watts was not moved by anything that would not add to making people happier and better citizens. He was one of the few men that I have been privileged to know who could take all the parts of proposed legislation, that is people, things, places, and put them all together like a mosaic—making something good for man and beautiful to behold.

All who knew him loved him, and the intimate friendship which he allowed me to enjoy with him is one that I shall cherish to the end of my days.

To his widow Nora and to his daughter Lillian, Mrs. Landrum joins in extending our warm sympathy and very best regards.

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. KEATING) to revise and extend their remarks and include extraneous matter:)

Mr. DU PONT, for 10 minutes, today.
Mr. CRANE, for 15 minutes, today.
Mr. SAYLOR, for 15 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. FRASER, for 10 minutes, today.
Mr. MITCHELL, for 30 minutes, today.
Mr. TEAGUE of Texas, for 10 minutes, today.
Mr. SIKES, for 5 minutes, today.
Mr. DANIELS of New Jersey, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DRINAN (at the request of Mr. HOLIFIELD), to extend his remarks during debate on H.R. 10835, today, in the Committee of the Whole.

Mr. DEVINE (at the request of Mr. BOW) to extend his remarks during debate on H.R. 10835, today, in the Committee of the Whole.

Mr. BUCHANAN to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 10835.

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. ROBISON of New York.
Mr. PEYSER in four instances.
Mr. ZWACH.
Mr. CRANE in five instances.
Mr. WHALEN.
Mr. RAILSBACK.
Mr. DERWINSKI.
Mr. FREY.
Mr. WYMAN in two instances.
Mr. HOSMER in two instances.
Mr. SCHMITZ in two instances.
Mr. GROVER.
Mr. SNYDER.
Mr. MILLER of Ohio.
Mrs. HECKLER of Massachusetts in three instances.
Mr. HUNT.
Mr. ASHBROOK in three instances.
Mr. FRELINGHUYSEN.
Mr. BROTZMAN.
Mr. KEMP.
Mr. MCCLORY.
Mr. BURKE of Florida.
Mr. TERRY.
Mr. NELSEN.
Mr. DUNCAN in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. KYROS in three instances.
Mr. DINGELL in three instances.
Mr. RODINO in three instances.
Mr. CELLER in three instances.
Mr. FRASER in five instances.
Mr. YATRON.
Mr. HAGAN in three instances.
Mr. GONZALEZ in three instances.
Mr. BINGHAM in three instances.
Mr. MURPHY of New York.
Mr. ANNUNZIO.
Mr. WILLIAM D. FORD.
Mr. JACOBS in two instances.
Mr. RARICK in three instances.
Mr. EDWARDS of California in two instances.
Mr. GREEN of Pennsylvania in five instances.
Mr. HANNA in five instances.
Mr. EDMONDSON in three instances.
Mr. VAN DEERLIN.
Mr. BYRON in 10 instances.
Mr. KLUCZYNSKI in three instances.
Mrs. ABZUG in 10 instances.
Mr. DANIELSON.
Mr. DOW in two instances.
Mr. BLANTON in two instances.
Mr. HELSTOSKI in two instances.
Mr. ANDERSON of California in two instances.
Mrs. SULLIVAN in two instances.
Mr. DIGGS in four instances.
Mr. RANGEL in three instances.
Mr. GALIFIANAKIS in two instances.
Mr. PURCELL in two instances.
Mr. LONG of Maryland.
Mr. MINISH in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2652. An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, October 14, 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:

1200. A letter from the Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense," in the Department of Defense Appropriation Act, 1971, during fiscal year 1971; to the Committee on Appropriations.

1201. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to reform the mineral leasing laws; to the Committee on Interior and Insular Affairs.

1202. A letter from the Secretary of Health, Education, and Welfare, transmitting a 5-year plan for extension of family planning services to all persons desiring such services, for family planning and population research programs, and for training of the necessary manpower to carry out the programs, pursuant to Public Law 91-572; to the Committee on Interstate and Foreign Commerce.

1203. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of applications and hearing cases in the Commission as of August 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1204. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 4, 1971, submitting a report, together with accompanying papers and an illustration, on Potomac and Anacostia Rivers and adjacent waters in and near the District of Columbia, authorized by the River and Harbor Act of 1945; to the Committee on Public Works.

1205. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 10, 1971, submitting a report, together with accompanying papers and an illustration, on Roanoke River at and below John H. Kerr Dam and Reservoir, Va. and N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 13, 1956; to the Committee on Public Works.

1206. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70; to the Committee on Veterans' Affairs.

1207. A letter from the Administrator of

Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. 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 (Rept. No. 92-564). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8628. A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting; to limit expenditures for use of communications media in campaigns for Federal elective office; and for other purposes; with an amendment (Rept. No. 92-565). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee of conference. Conference report on H.R. 9844. (Rept. No. 92-566). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11205. A bill to establish an equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

H.R. 11206. A bill to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

By Mr. ADAMS (for himself, Mr. BLANTON, Mr. BYRON, Mr. CARTER, Mr. HELSTOSKI, Mr. METCALFE, Mr. PICKLE, Mr. PODELL, Mr. ROY, and Mr. SCHMITZ):

H.R. 11207. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.R. 11208. A bill to amend section 4481 of the Internal Revenue Code of 1954 to exempt single unit trucks from the highway use tax; to the Committee on Ways and Means.

By Mr. BERGLAND (for himself and Mr. LINK):

H.R. 11209. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 11210. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEVELAND:

H.R. 11211. A bill to amend the Public Buildings Act of 1959; to the Committee on Public Works.

By Mr. EDMONDSON:

H.R. 11212. A bill to convey certain federally owned land to the Choctaw and Chickasaw Tribes of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:

H.R. 11213. A bill to amend section 608 (c) (2) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. LENT:

H.R. 11214. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

H.R. 11215. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 11216. A bill to amend title 38 of the United States Code to establish in the Veterans' Administration a national veterans' cemetery system consisting of certain cemeteries of the United States in which veterans of any war or conflict are or may be buried, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEYSER:

H.R. 11217. A bill relating to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey; to the Committee on Post Office and Civil Service.

H.R. 11218. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes, railroad retirement taxes, and civil service retirement contributions; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BINGHAM, Mr. BURTON, Mr. DELLUMS, Mr. DOW, Mr. EILBERG, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KOCH, Mrs. MINK, Mr. MITCHELL, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. SARBANES, Mr. SCHEUER, Mr. STEELE, and Mr. YATRON):

H.R. 11219. A bill to prohibit the introduction or delivery for introduction into commerce of the chemical compound known as polychlorinated biphenyl; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (for himself, Mr. PATMAN, Mr. MAHON, Mr. POAGE, Mr. FISHER, Mr. BURLESON of Texas, Mr. DOWDY, Mr. BROOKS, Mr. WRIGHT, Mr. YOUNG of Texas, Mr. CASEY of Texas, Mr. GONZALEZ, Mr. PURCELL, Mr. ROBERTS, Mr. PICKLE, Mr. CABELL, Mr. DE LA GARZA, Mr. WHITE, Mr. COLLINS of Texas, Mr. ECKHARDT, Mr. KAZEN, Mr. PRICE of Texas, and Mr. ARCHER):

H.R. 11220. A bill to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. ANDREWS of North Dakota:

H.R. 11221. A bill to amend the Economic Stabilization Act of 1970 to permit the maintenance of prices, rents, wages, and salaries at levels contracted for prior to August 15, 1971; to the Committee on Banking and Currency.

By Mr. BURKE of Florida:

H.R. 11222. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War I; to the Committee on Post Office and Civil Service.

H.R. 11223. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War II; to the Committee on Post Office and Civil Service.

By Mr. CELLER (for himself and Mr. SISK):

H.R. 11224. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional team sports; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 11225. A bill to amend section 5042 (a) (2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 11226. A bill to establish a National Institute of Population Growth and to transfer to the Institute the functions of the Secretary of Health, Education, and Welfare and of the Director of the Office of Economic Opportunity relating to population research and family planning services; to the Committee on Government Operations.

By Mr. ESCH (for himself and Mr. VEYSEY):

H.R. 11227. A bill to provide for the development and implementation of Federal and State programs for youth camp safety, through grants and financial assistance to the States, and to assure that Federal recreational camps meet minimum safety standards; to the Committee on Education and Labor.

By Mr. FRENZEL:

H.R. 11228. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 11229. A bill to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H.R. 11230. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to volunteer firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 11231. A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting; to limit expenditures for use of communications media in campaigns for Federal elective office; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. BELCHER, Mr. MCMILLAN, and Mr. TEAGUE of California):

H.R. 11232. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. SNYDER:

H.R. 11233. A bill to authorize the Secretary of the Interior to establish the Zachary Taylor Home National Historic Site in the State of Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. NATCHER:

H.R. 11234. A bill to authorize the Secretary of the Interior to establish the Zachary Taylor Home National Historic Site in the State of Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself, Mr. PUCINSKI, Mr. WILLIAM D. FORD, Mr. MEEDS, Mrs. MINK, Mr. BIAGGI, Mr. BADILLO, Mrs. CHISHOLM, Mr. BELL, Mr. PEYSER, Mr. VEYSEY, Mr. KEMP, and Mr. FORSYTHE):

H.J. Res. 923. 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. MIKVA (for himself, Mr. GERALD R. FORD, Mr. BRASCO, Mr. CORMAN, Mr. EILBERG, Mr. FISH, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. HALPERN, Mr. HAMILTON, Mrs. HANSEN of Washington, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. HUNGATE, Mr. JACOBS, Mr. KYROS, Mr. LEGGETT, Mr. MAILLIARD, Mr. MORSE, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, and Mr. REES):

H.J. Res. 924. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SCHEUER, Mr. SCHWENGEL, Mr. SYMINGTON, Mr. UDALL, Mr. WALDIE, Mr. WHALEN, Mr. WYATT, and Mr. WRIGHT):

H.J. Res. 925. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 926. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. KARTH:

H. Con. Res. 421. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 422. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BLATNIK, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. DANIELSON, Mr. DELLUMS, Mr. DOW, Mr. DRINAN, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GRASSO, Mr. HARRINGTON, Mr. METCALFE, Mr. MITCHELL, Mr. RANGEL, and Mr. ROSENTHAL):

H. Con. Res. 423. 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.

EXTENSIONS OF REMARKS

PORTLAND PATROLMAN NAMED POLICEMAN OF THE YEAR

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYROS. Mr. Speaker, I think we have come to recognize that our Nation's law enforcement officers are just as crucial as lawmakers in our efforts to maintain a sane and just democratic society. As never before, our men in blue stand as the focal point in the problems which arise among our citizens. While we strive for a system of laws and a responsive government, America's law enforcement officers are the men in the front lines, protecting our society day in and day out, and particularly during the nights, with their very lives.

In our efforts to keep tensions among our citizens to a minimum, we are asking our law enforcement officers to stand not only as symbols and enforcers of the law, but also as men of understanding and compassion, able to deal with their fellow Americans on human terms. It is fitting, therefore, that the International Association of Chiefs of Police in cooperation with Parade magazine has selected as recipient of the sixth annual Police Servive Award a man who epitomizes this cooperation between our citizens and our law enforcement agencies.

I am very, very proud that the final choice as recipient of this award is Officer Wesley W. Ridlon of the Portland, Maine, Police Department. This selection is an honor not only for Officer Ridlon and his fine family, but also for the entire Portland Police Department, headed by Chief Douglas W. Steele. It is an honor well earned. We are indebted to Officer Ridlon and to the many, many men like him who stand in service to our Nation.

I would like to bring to the attention of my colleagues not only the article which appeared in Parade on September 26, 1971, but also editorials which appeared in the Portland Press Herald and the Portland Evening Express of September 28 and 30, respectively. These editorials express our pride as Maine citizens in our police officers and the heartfelt congratulations and thanks which we extend to Officer Ridlon.

[From Parade magazine, Sept. 26, 1971]

WESLEY RIDLON: POLICEMAN OF THE YEAR—HE BUILDS A BRIDGE BETWEEN KIDS AND COPS

(By John G. Rogers)

PORTLAND, MAINE.—When Officer Wesley W. Ridlon of the Portland Police Department recently came to the end of a rap session on drug abuse at a school for delinquent boys, one of the wayward teenagers approached him and mumbled, "If I'd had a chance to meet you a year ago, I don't think they'd had to send me to this place."

Wes Ridlon was touched because nearly all his work as a law enforcement officer is trying to build a bridge between kids and cops, trying to convince skeptical schoolchildren that the police are "human guys" vitally necessary to the orderly conduct of society.

NEW TREND IN POLICE WORK

More and more police departments all over the country are assigning full-time officers to this same assignment. And because it's thus acknowledged by lawmen to be important duty and because Wes Ridlon has been a model performer, he has been selected as the 1971 recipient of the symbolic Police Service Award conferred by Parade and the International Association of Chiefs of Police.

This sixth annual award is made in appreciation of good work done by peace officers everywhere. It also is made in an effort to dramatize the great variety of police work which is not all chasing "bad guys." In Ridlon's case it's dedication to making friends.

"Kids are surely the most important resource we have," says Ridlon, himself the father of three. "Personally I shudder at the thought of alienating them and I can't see any reason why police work should be performed in a way that turns them off. We have got to show them that we're important to each other."

This week, in Anaheim, Calif., at the annual convention of the police chiefs' association, Ridlon will be awarded a plaque, and honorable mention plaques will go to ten other officers as symbolic awards recognizing the many ways in which police make themselves useful.

Ridlon's usefulness to the school kids of Portland, and by extension to the entire community, can be seen in many ways. He recalls that when he first began going to schools, he would hear mutters: "There's a cop. Wonder who he's chasing." But now they run up to him with a "Hi, Mr. Ridlon. Are you gonna give us a talk today?" And everywhere he goes about the city, he is greeted by his young friends. He visits them at schools and playgrounds for all sorts of group activity—lectures, film and slide demonstrations, bicycle rodeos and just plain rapping. And they come to him, more and more of them, as individuals with problems.

Says Assistant School Superintendent Clyde Bartlett: "As good a way as any to measure the success of Wes Ridlon's work is in the numbers of youngsters who seek him out after school hours and ask his advice. They'll often go to him rather than their guidance counselors. That's pretty fine praise for a police officer."

Ridlon recounts: "I never cease to be amazed at the variety of problems bothering kids today: How far can the police go in searching a car for beer cans? If a young fellow drinks moderately at a school dance, can he still get in trouble? If you're at a party and drugs are being used, but you don't know it, why is it the police can still arrest you? Frankly, I can't answer all their questions to their satisfaction. And if I can't, I level with them. You have to do that. A kid can spot evasion immediately."

Parade watched Ridlon in action before a group of disadvantaged young women and saw an example of his honest approach. One of them said, "You people make a big thing against narcotics but still you'll use alcohol. Aren't you a hypocrite?"

"All right, you've put me on the spot," Ridlon conceded. "I'd have to admit that if it's true the heroin user starts on marijuana, then you can say the alcoholic starts on beer. I won't defend the use of alcohol but I will say that on the average it doesn't have the savage destruction of narcotics or the need to turn to crime to get it."

SCHOOLTEACHER, TOO

Ridlon, 39 years old, a member of the Presidential Honor Guard during his U.S. Army days, probably works harder than a conventional policeman in his devotion to Portland's 17,500 schoolchildren. Last year he gave nearly 600 talks. His rap sessions in the high schools—called Problems of Democracy—have proved so popular that the young-