much greater impact than ever before on utility operations and the energy industries."

Thus, it seems to me that a major goal of AGA and our companies must, of necessity, be improved communications among ourselves and with all of our publics. We have a substantial, on-going program in regard to supply, technology and markets, as well as a vigorous program of communications. We have not yet, however, won full public understanding and active support of our industry goals. We must overcome the deficiency not only by our deeds but also by telling our story more effectively than ever before. This will surely include explaining to the consumer the facts concerning our present gas supply tightness, the real value of gas and the necessity of higher rates to bring large additional supplies of this superior fuel to hungry markets.

At the Association level, therefore, we will devote much attention next year to achieving the maximum coordination of all forms of public communication—advertising, public relations, government relations, marketing, operations and research. We now have a working level committee chaired by President Don Hart to achieve this objective and to cut down on the communications time lag.

Government relations

Because of its importance, I have left to the end my comments on the Association's activities at the government level.

The last decade has seen a sharply growing trend in the involvement of the Federal government in areas which at one time were held to be the exclusive domain of business. A part of this has resulted from the failure of industry to recognize the development of various problems and to act promptly or adequately to meet them. Government involvement has progressed to the point where any party or any administration or any Congress is likely to advocate measures involving consumer protection, the environment, the energy shortage, product safety—or any of a host of other issues—without any real consideration of the economic burden which would be imposed or the real need for additional legislation.

This trend has made it imperative for the gas industry—and all industry—to become increasingly vigilant and active in the legislative arena—to see that the facts are presented and understood. In this regard, AGA has found it necessary on a number of occasions to present testimony on legislative measures before Congress. AGA has also been increasingly active in connection with regulation involving the Department of Interior, Transportation, Commerce and the Treasury, the Federal Power Commission and the Environmental Protection Agency.

Consumerism

The field of consumerism will continue to occupy a great deal of AGA's time and effort both on Capitol Hill and with the appropriate agencies. Pending before this Congress are matters concerning product safety, manufacturing product standards, consumer class action, independent consumer agencies and consumer representation by the Federal government. New, stricter and more costly standards of construction have recently been imposed.

As you know, consumerism is a very fashionable word today. I would like to remind you that we of the gas industry have been engaged in active consumerism programs for 40 years with our Blue Star certification program and over 10 years with our National Appliance Field Observation Program.

Both have been successful. However, I am sure that none of us would argue the point that the appliance field observation program has been less effective than we would like it to be. At the request of the Consumer Affairs and Safety Committee, a task force has been working on a recommended revision of this program.

This revised program we hope will be the vehicle for more effective cooperation between the utilities and the appliance manufacturers. The program will require support of the entire industry and a considerably greater than normal participation from certain companies. I urge that each of you who will be asked to take part in this new program to respond as fully as possible.

Our activities in the environmental area will include monitoring the enforcement of the Clean Air Act amendments of 1970 and the pending omnibus water quality legislation—including possible controls of offshore oil and gas production. Other matters of concern include the nationwide health and safety standards being implemented under the Department of Labor and the development of regulations under the Pipeline Safety Act of 1968, and many more.

It is axiomatic, however, that the major efforts of AGA must be directed to the continuing assessment of the nation's energy crisis and a search for solutions consistent with national economic and environmental goals.

On the basic problem of gas supply, the FPC has undertaken a National Gas Survey to establish the magnitude of our gas reserves, competitive and price factors, capital requirements, technological needs, and other matters. An authoritative and objective study would appear to be a necessary prelude to the establishment of a sound national energy policy. Bill Elmer heads our representation on the national study group. I commend your support for this project and your companies' cooperation in supplying necessary data as the study goes forward.

I cannot leave this topic of government relations without noting the tremendous shift in the last decade on the part of corporations and trade associations to the Washington scene. The AGA move, more than a year ago, reflects this industry's response. The increasing involvement of government in business underlines the soundness of that move. It is important for our industry to recognize that the dialogue which has been building between government and industry has created a tremendous interdependency. We have built a bridge but we must be ever vigilant that it does not become a one-way passage.

The year ahead

In closing, let me urge again that we in the gas business keep open our options and attempt to maintain the initiative on the national scene. A great foundation has been laid this year in our Association's program. With the implementation of our reorganized and strengthened staff, we have much greater potential for effective action. It remains for us to capitalize fully on our opportunities. I look forward to an interesting year in this job and, with your help and support, I am confident that it can be a productive one for the industry and the nation.

HOUSE OF REPRESENTATIVES—*Monday, November 15, 1971*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. BOGGS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
November 15, 1971.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

PRAYER

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

Come unto me, all ye that labor and are heavy laden, and I will give you rest.—Matthew 11: 28.

Almighty God, without whom all our labor is in vain, prosper our work this day and may we so respond to Thee that the programs planned and the progress accomplished may be in accordance with Thy holy will.

We pray for our Nation set amid the perplexities of a changing order and faced with new tasks. Bestow upon our people a responsiveness to duty, a willingness to work, a desire to lift the level of life about them, and an utter loyalty to Thee. By Thy grace make us all joyful in spirit, radiant in life, steadfast in faith, and eager to serve that we may usher in a better day for all mankind.

In the mood of the Master we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and other purposes;

H.R. 6723. An act to provide subsistence allowances for members of the Marine Corps officer candidate programs;

H.R. 6724. An act to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 7950. An act to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot training requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title; and

H.R. 8656. An act to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works; which was read together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
November 10, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of Section 201 of Public Law 89–298, the Committee on Public Works of the House of Representatives on November 10, 1971, adopted Committee resolutions authorizing the following water resources development projects:

Murrells Inlet, Georgetown County, S.C., and

Northport Harbor, Wis.

Kindest personal regards.

Sincerely,

JOHN A. BLATNIK,
Chairman.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CONSENTING TO THE KANSAS-NEBRASKA BIG BLUE RIVER COMPACT

The Clerk called the bill (H.R. 8116) to consent to the Kansas-Nebraska Big Blue River compact.

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

H.R. 8116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the Kansas-Nebraska Big Blue River Compact which is substantially as follows:

"KANSAS-NEBRASKA BIG BLUE RIVER COMPACT

"PREAMBLE

"The State of Kansas and the State of Nebraska, acting through their duly authorized Compact representatives, Keith S. Krause for the State of Kansas and Dan S. Jones, Jr., for the State of Nebraska, after negotiations participated in by Elmo W. McClendon, appointed by the President as the representative of the United States of America, and in accordance with the consent to such negotiations granted by an Act of Congress of the United States of America, approved June 3, 1960, Public Law 489, 86th Congress 2nd Session, have agreed that the major purposes of this Compact concerning the waters of the Big Blue River and its tributaries are:

"A. To promote interstate comity between the States of Nebraska and Kansas;

"B. To achieve an equitable apportionment of the waters of the Big Blue River Basin between the two States and to promote orderly development thereof; and

"C. To encourage continuation of the active pollution-abatement programs in each of the two States and to seek further reduction in both natural and man-made pollution of the waters of the Big Blue River Basin.

"To accomplish these purposes the said States have agreed as set forth in the following Articles.

"'ARTICLE I—DEFINITIONS

"'As used in this Compact:

"'1.1 The term "State" shall mean either State signatory hereto, and it shall be construed to include any person, entity, or agency of either State who, by reason of official responsibility or by designation of the Governor of the State, is acting as an official representative of the State;

"'1.2 The term "Kansas-Nebraska Big Blue River Compact Administration," or the term "Administration," means the agency created by this Compact for the administration thereof;

"'1.3 The term "Big Blue River Basin" means all of the drainage basin of the Big Blue and Little Blue Rivers in Nebraska and Kansas downstream to the confluence of the Big Blue River with the Kansas River near Manhattan, Kansas;

"'1.4 The term "Big Blue River Basin in Nebraska" means all of the drainage basin of the Big Blue River in Nebraska and is exclusive of the drainage basin of the Little Blue River in Nebraska;

"'1.5 The term "minimum mean daily flow" means the minimum mean flow for any one calendar day;

"'1.6 The term "pollution" means contamination or other undesirable alteration of any of the physical, chemical, biological, radiological, or thermal properties of the waters of the basin, or the discharge into the waters of the basin of any liquid, gaseous, or solid substances that create or are likely to result in a nuisance, or that render or are likely to render the waters into which they are discharged harmful, detrimental, or injurious to public health, safety, or welfare, or that are harmful, detrimental or injurious to beneficial uses of the water;

"'1.7 The term "water project" means any physical structure or any man-made changes which affect the quantity or quality of natural water supplies or natural streamflows and which are designed to bring about greater beneficial use of the water resources of an area;

"'1.8 The term "natural flow" means that portion of the flow in a natural stream that consists of direct runoff from precipitation on the land surface, ground-water infiltration to the stream, return flows to the natural stream from municipal, agricultural, or other uses, and releases from storage for no designated beneficial use;

"'1.9 The term "inactive water appropriation" means a water right that is subject to cancellation or termination for non-use.

"'ARTICLE II—DESCRIPTION OF THE BASIN

"'2.1 The Big Blue River, a tributary of the Kansas River, drains an area of 9,696 square miles in south central Nebraska and north central Kansas. About 75 percent of the Big Blue River Basin is in Nebraska, and the remainder is in Kansas. The Big Blue River and its principal tributary, the Little Blue River, join near Blue Rapids, Kansas. From there, the Big Blue River flows generally southward to join the Kansas River near Manhattan, Kansas, as shown on Exhibit A.

"'2.2 Much of the upper portion of the basin in Nebraska is underlain with sands and gravels that supply large quantities of water to irrigation wells. The lower portion of the basin in Nebraska and that portion of the basin in Kansas lack significant ground water supplies except within the major stream valleys.

"'ARTICLE III—ORGANIZATION OF COMPACT ADMINISTRATION

"'3.1 ADMINISTRATION AGENCY. There is hereby established an interstate administrative agency, to be known as the "Kansas-Nebraska Big Blue River Compact Administration," to administer the Compact.

"'3.2 ADMINISTRATION MEMBERSHIP. The Administration shall be composed of one ex officio member and one advisory member from each State, plus a Federal member to be appointed by the President if he so desires. The ex officio member from each State shall be the official charged with the duty of administering the laws of his State pertaining to water rights. Said official shall designate a representative who may serve in his place at meetings of the Administration. All actions taken by the designated representative in the transaction of the business of the Administration shall be in the name of the official he represents and shall be binding on that official. The advisory member from each State may serve in any capacity within the Administration. He shall reside in the Big Blue River Basin portion of the State he represents.

"'The Governor of each State shall appoint the advisory member from that State for a term of 4 years. This appointment shall be made within 90 days after the effective date of this Compact.

"'3.3 ADMINISTRATION GOVERNMENT. The Administration shall hold its first meeting within 120 days after the effective date of this Compact, and it shall meet at least annually thereafter. The Federal member, if one be designated, shall serve as Chairman, without vote. If no Federal representative is appointed, the Administration shall select a Chairman, in addition to such officers as may be provided for in rules and regulations, to serve at the will of the Administration. A meeting quorum shall consist of the ex officio members from both States, or their designated representatives. Each State shall have but one vote, cast by the ex officio member or his representative. All actions must be approved by both ex officio members or their representatives. Minutes of each meeting shall be kept, and they shall be available for public inspection.

"'3.4 ADMINISTRATION POWERS AND DUTIES. The Administration shall have the power to adopt rules and regulations consistent with the provisions of this Compact, to enforce such rules and regulations, and to otherwise carry out its responsibilities. It may institute action in its own name in courts of competent jurisdiction to compel compliance with the provisions of this Compact and with the rules and regulations it adopts.

"'The Administration is hereby authorized to employ the technical and clerical staff necessary to carry out its functions, and to maintain the office and appurtenances necessary to conduct its business. It may employ attorneys, engineers, or other consultants. It may purchase equipment and services necessary to its functions.

"'The Administration shall publish an annual report including a review of its activities and financial status. It may also prepare and publish such other reports and publications as it deems necessary.

"'In order to provide a sound basis for carrying out the apportionment provisions of this Compact, the Administration shall cause to be established such stream-gaging stations, ground-water observation wells, and other data-collection facilities as are necessary for administering this Compact; and it shall install such other equipment and collect such data therefrom, for a period of not less than 5 years, as are necessary or desirable for evaluating the effects of pumping of wells on the flows of the Big Blue and Little Blue Rivers at the Kansas-Nebraska State line. The well area to be considered is described in article V, paragraph 5.2.

"'The Administration shall have authority to accept funds from local, State, and Federal sources. It may enter into cooperative agreements and contribute funds to support such data-collection and analysis programs as are necessary for administration of the Compact.

" 'ARTICLE IV—RESPONSIBILITY OF EACH STATE

" '4.1 EXPENSES OF ADMINISTRATION. Each State and Federal member of the Administration shall receive such compensation and such reimbursement for travel and subsistence as are provided by the government he represents, and he shall be paid by that government.

" 'BUDGET. Each year, the Administration shall prepare a properly documented budget covering the anticipated expenditures of the Administration for the following fiscal period. Each State shall make provision in its budget for funds to pay its share of the expenses of the Administration, which shall be divided equally between the States of Kansas and Nebraska. The Administration shall establish a fund to which each State shall contribute equally and from which the expenses of the Administration shall be paid.

" '4.3 RECORDS AND INFORMATION. The State of Kansas and the State of Nebraska shall cooperate with the Administration and furnish to it such records, information, plans, data, and assistance as may be reasonably available; and they shall keep the Administration advised of Federal activities in connection with planning, design, construction, operation, and maintenance of water-resource projects in the Big Blue River Basin.

" 'Any local, public, or private agency collecting water data or planning, designing, constructing, operating, or maintaining any water project or facility in the Big Blue River Basin shall keep the Administration advised of its investigations and of any proposed changes and additions to existing projects and facilities, and it shall submit plans for new projects to the Administration for review of those project aspects affecting surface-water flowage and quality.

" 'ARTICLE V—APPOINTMENT OF WATERS OF THE BIG BLUE RIVER BASIN

" '5.1 PRINCIPLES OF APPOINTMENT. The physical and other conditions peculiar to the Big Blue River Basin constitute the basis for this apportionment, and neither of the signatory States hereby, nor the Congress of the United States by its consent hereto, concedes that this apportionment establishes any general principle with respect to any other interstate stream.

" 'The States of Kansas and Nebraska subscribe to the principle of including storage capacity for low-flow regulation in reservoirs constructed by the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers, and to the principle of such administration as is required to assure that water released from storage for low-flow regulation shall remain available in the stream to accomplish its intended purpose.

" '5.2 NEBRASKA APPORTIONMENT.—The State of Nebraska shall have free and unrestricted use of the waters of the Little Blue and Big Blue River Basins in Nebraska, such use to be in accordance with the laws of the State of Nebraska, subject to the limitations set forth below.

" '(a) Water appropriations of record in the Little Blue and Big Blue River Basins in Nebraska on November 1, 1968, that were then inactive, shall be cancelled by due process of laws in effect in that State.

" '(b) During the period, May 1–September 30 the process of laws in effect in that State.

" '(b) During the period, May 1–September 30 the State of Nebraska shall regulate diversions from natural flow of Streams in the Little Blue and Big Blue River Basins by water appropriators junior to November 1, 1968, in order to maintain minimum mean daily flows at the state-line gaging stations (which are now located at Fairbury and Barneston, respectively, but which may be relocated at such other places as may be designated state-line gaging stations by the Administration) during each month as follows:

Little Blue River

May	45 cfs
June	45 cfs
July	75 cfs
August	80 cfs
September	60 cfs

Big Blue River

May	45 cfs
June	45 cfs
July	80 cfs
August	90 cfs
September	65 cfs

" 'When such action is necessary to maintain the above schedule of flows, the State of Nebraska shall:

" '(1) Limit diversions by natural-flow appropriators in Nebraska in accordance with their water appropriations;

" '(2) Close, in reverse order of priority, natural-flow appropriations with priority dates subsequent to November 1, 1968, including rights to store water in the conservation-storage zones of reservoirs;

" '(3) Enjoin all persons not holding valid natural-flow appropriations from taking water during periods when the exercise of junior natural-flow appropriations is being restricted

" '(4) Regulate, in the same manner that diversion of natural flows is regulated, withdrawals of water from irrigation wells installed after November 1, 1968, except equivalent wells drilled to replace wells installed before that date, in the alluvium and valley side terrace deposits within one mile from the thread of the river and between the mouth of Walnut Creek and the Kansas-Nebraska State line on the Little Blue River and between the mouth of Turkey Creek and the Kansas-Nebraska State line on the Big Blue River (as delineated on Exhibits A and B of Supplement No. 1 to the Report of the Engineering Committee) provided that, if the regulation of such wells fails to yield any measurable increases in flows at the state-line gaging stations as determined by the investigations to be undertaken under Article III, paragraph 3.4, the regulation of such wells shall be discontinued. Determination of the effect on streamflow of the pumping of such wells shall rest with the administration.

" 'Delivery of water under the terms of this article shall be deemed to be in compliance with its provisions when the amounts passing the state-line gaging stations are substantially equivalent to the scheduled amounts. Minor irregularities in flow shall be disregarded.

" '(c) The storage capacity provided in reservoirs in the Little Blue River Basin in Nebraska shall be limited to a total of 200,000 acre-feet. Similarly, the storage capacity in reservoirs in the Big Blue River Basin in Nebraska shall be limited to 500,000 acre-feet. These limitations are exclusive of storage capacity that may be found necessary for regulation and use of waters imported into these basins in Nebraska; exclusive of storage capacity in small reservoir projects where the storage of water for subsequent use is less than 200 acre-feet; exclusive of storage capacity allocated to sedimentation and flood control; and exclusive of storage capacity allocated to, and from which water is released to accomplish low-flow augmentation for improvement of water quality, for fishery, wildlife, or recreation purposes, or for meeting the flow schedules at the Kansas-Nebraska State line as set out in Article V, paragraph 5.2.

" '5.3 KANSAS APPORTIONMENT. The State of Kansas shall have free and unrestricted use of all waters of the Big Blue River Basin flowing into Kansas from Nebraska in accordance with this Compact, and of all waters of the basin originating in Kansas, excepting such waters as may, in the future, flow from Kansas into Nebraska.

" '5.4 TRANSBASIN DIVERSION. In the event of any importation of water into the Big Blue River Basin by either State, the State making the importation shall have exclusive use of such imported water, including identifiable return flows therefrom. Neither State shall authorize the exportation from the Big Blue River of water originating within that basin without the approval of the administration.

" 'ARTICLE VI—WATER QUALITY CONTROL

" '6.1 The States of Kansas and Nebraska mutually agree to the principle of individual State efforts to control natural and manmade water pollution within each State and to the continuing support of both States in active water pollution control programs.

" '6.2 The two States agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the Big Blue River Basin whenever such sources are called to their attention by the Administration.

" '6.3 The two States agree to cooperate in maintaining the quality of the waters of the Big Blue River Basin at or above such water quality standards as may be adopted, now or hereafter, by the water pollution control agencies of the respective States in compliance with the provisions of the Federal Water Quality Act of 1965, and amendments thereto.

" '6.4 The two States agree to the principle that neither State may require the other to provide water for the purpose of water quality control as a susbtitute for adequate waste treatment.

" 'ARTICLE VII—GENERAL PROVISIONS

" '7.1 RIGHT TO STORE WATER IN UPPER STATE. The right of the State of Kansas or of any person, corporation, local agency, or entity in Kansas to construct or participate in the future construction and use of any storage reservoir or diversion works in the Big Blue and Little Blue Basins of Nebraska for the purpose of regulating water to be used in Kansas shall never be denied: *Provided*, That such right is subject to the laws of the State of Nebraska and that any such storage for use by Kansas shall be excluded from the limitations on storage under Article V, paragraph 5.2(c).

" 'Releases of water from storage provided by Kansas interests in the State of Nebraska shall not be counted toward meeting the minimum flow requirements at the State line under the provisions of paragraph 5.2(b).

" '7.2 DISCLAIMER. Nothing contained in this Compact shall be deemed:

" '1. To impair, extend, or otherwise affect any right or power of the United States, its agencies, or its instrumentalities involved herein;

" '2. To subject to the laws of the States of Kansas and Nebraska any property or rights of the United States that were not subject to the laws of those States prior to the date of this Compact;

" '3. To interfere with or impair the right or power of either signatory State to regulate within its boundaries the appropriation, use, and control of waters within that State consistent with its obligations under this Compact.

" '7.3 INVALIDITY IN PART. Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of either signatory State or to the Constitution of the United Sates, all other severable provisions of this Compact shall continue in full force and effect.

" '7.4 FUTURE REVIEW. After the expiration of 5 years following the effective date of this Compact, the Administration may review any provision hereof; and it shall meet for such review whenever a member of the Administration from either State requests such review. All provisions hereof shall remain in full force and effect until changed and amended within the intent of the Compact

by unanimous action of the Administration, and until such changes in this Compact are ratified by the Legislatures of the respective States and are consented to by the Congress of the United States, in the same manner that this Compact is required to be ratified and consented to before it becomes effective.

" '7.5 TERMINATION. This Compact may be terminated at any time by appropriate action of the Legislatures of both signatory States. In the event of amendment or termination of the Compact, the water-resource developments made in compliance with, and reliant upon, this Compact shall continue unimpaired.

" 'ARTICLE VIII—RATIFICATION

" '8.1 This Compact shall become binding and obligatory when it shall have been ratified by the Legislature of each State and consented to by the Congress of the United States and when the Congressional Act consenting to this Compact includes the consent of Congress to name and join the United States as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party and if the litigation arises out of this Compact or its application, and if a signatory State is a party thereto.

" '8.2 Notice of ratification by the Legislature of each State shall be given by the Governor of that State to the Governor of the other State and to the President of the United States, and the President is hereby requested to give notice to the Governor of each State of the consent by the Congress of the United States.'

"In witness whereof the authorized representatives have executed three counterparts hereof, each of which shall be and constitute an original, one of which shall be deposited with the Administrator of General Services of the United States, and one of which shall be forwarded to the Governor of each State.

"Done at Lincoln, Nebraska, this 25th day of January 1971.

"Keith S. Krause
"KEITH S. KRAUSE,

"Commissioner for the State of Kansas.

"Dan S. Jones, Jr.
"DAN S. JONES, JR.

"Commissioner for the State of Nebraska.

"Approved:

"Elmo W. McClendon

"ELMO W. MCCLENDON

"Representative of the United States of America"

With the following committee amendment:

Page 17, after line 23, add a new section 2, renumbering the present section 2 to section 3:

"SEC. 2. To carry out the purposes of article VIII of the compact, the Congress hereby consents to have the United States named and joined as a party in any litigation in the U.S. Supreme Court, if the United States is an indispensable party and if the litigation arises out of the compact or its application, and if a signatory State is a party thereto."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, H.R. 8116 will give the consent of Congress to the compact negotiated between the State of Kansas and Nebraska on the Big Blue River, a major tributary of the Kansas River. The consent of Congress to negotiate this compact was granted by the act of June 3, 1960.

The compact has been agreed to by the negotiators, including a representative of the United States designated by the President, and was ratified by the legislatures of the two States in April 1971, by unanimous vote in each case. Consent of Congress as provided by H.R. 8116 completes the processing of this important instrument.

The text of the compact is set out in H.R. 8116. The Interior and Insular Affairs Committee considered the document in connection with our hearings and found no basis for objection in any of its provisions. Neither did we ascertain any objections on the part of the State governments, the House delegations from the signatory States, or from the public at large. The bill is supported by the administration.

The compact provides a workable formula for the apportionment of the flows of the Big Blue River, sets limits on conservation storage in the State of Nebraska, and creates an administrative body for management of compact affairs.

The compact also provides that it shall become binding when the Congress consents to have the United States joined as a party litigant in any action in the Supreme Court growing out of the compact in which either or both States are parties to the action. H.R. 8116 specifically contains this provision.

For these reasons, I am pleased to offer the measure to the House for its consideration and recommend its enactment.

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

DESIGNATING THE MOUNTAIN PARK RESERVOIR, OKLA., AS THE TOM STEED RESERVOIR

The Clerk called the bill (H.R. 9418) to designate the Mountain Park Reservoir, Okla., as the Tom Steed Reservoir.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I would simply inquire as to whether or not we are now as in the past, such as cases of the designation of the Truman Reservoir on the Osage River in Missouri, or the Arkansas River Senator McClellan complex under the jurisdiction of the Corps of Engineers and perhaps others; are we now and by virtue of this bill completely forgoing the past policy of the Congress not to name such projects after living—and, indeed, in this case an honored seated Member—individuals?

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

Mr. HALL. I will be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Missouri very much for yielding, because the gentleman correctly states what has been a general policy of the Congress for many years, but I think a study of the record will indicate that there have consistently been exceptions to that policy at fairly regular intervals throughout the years, going back to Jefferson's time.

Mr. HALL. Mr. Speaker, will the gentleman tell us how you define "consistent exceptions"?

Mr. EDMONDSON. When you have exceptions almost every 10 or 15 years throughout the years, although the general policy prevails, I think you have some fairly consistent exceptions in the case of outstanding individuals where the local people in the State want to pay the honor to them.

In this instance, the local people joined in asking our delegation in Congress to introduce this bill to honor our colleague, the Honorable TOM STEED. The citizens of the two towns that are immediately adjacent to the reservoir and are served by its water supply asked for it, and the Mountain Park Conservancy District asked for it.

Mr. HALL. Mr. Speaker, at the risk of appearing to be somewhat rude, but in order to expedite the business of the Congress, there is no question in this Member's mind about the deservedness of the subject person, so I do not think we need to go into that.

I appreciate the gentleman's remarks, and I would hope that the "consistent exceptions" be kept minimal in the future, but I certainly withdraw my reservation.

Mr. EDMONDSON. I thank the gentleman very much.

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

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

H.R. 9418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mountain Park Reservoir, Oklahoma, authorized to be constructed by the Act of September 21, 1968 (82 Stat. 853), shall be known and designated hereafter as the Tom Steed Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred shall be held to refer to such reservoir as the Tom Steed Reservoir.

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

TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the United States Postal Service.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHAPEL OF THE ASTRONAUTS

The Clerk called the bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if anyone could give us any indication of what this bill may eventually cost?

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, it costs nothing to the Federal Government.

Mr. GROSS. Except for the land.

Mr. TEAGUE of Texas. The Government is selling the land to this organization.

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

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

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

H.R. 11487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the National Aeronautics and Space Administration is authorized to convey for fair market value to the Chapel of the Astronauts, Incorporated, a nonprofit Florida corporation, all right, title, and interest of the United States in not to exceed seven acres of unimproved land situated adjacent to the present Visitor Information Center, John F. Kennedy Space Center, National Aeronautics and Space Administration, Brevard County, Florida, together with necessary rights of vehicular, pedestrian and utilities access, for the purpose of construction, operation, and maintenance thereon by the said corporation of a nondenominational, nonsectarian, nonprofit public facility for worship or meditation and a memorial to the Astronauts, who have served as envoys of all mankind in the exploration of outer space, including the moon and other celestial bodies, which facility shall be open at all times to any individual or group without discrimination as to race, creed, color, or national origin: *Provided,* That—

(1) such conveyance shall take place when the Administrator determines that (A) said corporation is ready, willing, and financially and otherwise able to construct, operate, and maintain the said facility, and (B) the plans for such facility are appropriate for the intended purpose, will not detract from the surrounding Government facilities and have made adequate provision for access by, and accommodation of, the public and for the safe operation of the facility and surrounding Government facilities; and

(2) the deed of conveyance shall include suitable covenants (A) restricting the use of the property to the purpose for which it was conveyed, (B) requiring the corporation to construct, maintain, and operate the facility for, and in a manner appropriate to, the purposes for which the property was conveyed, without at any time impairing the safety or interfering with the operation of surrounding Government facilities; and (C) providing that title to the land conveyed thereunder and any improvements thereon shall revert to the United States, without payment of compensation therefor, whenever the Administrator or the official having jurisdiction and control over adjacent Government-owned land, determines that any of the foregoing covenants are breached.

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

INVESTMENT COMPANY ACT AMENDMENT

The Clerk called the bill (H.R. 9758) to amend the Investment Company Act of 1940, as amended.

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

H.R. 9758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27(f) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–27(f), is amended to read as follows:

"(f) With respect to any periodic payment plan (other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 per centum of such payment), the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right to withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors carry out the obligations to refund sales charges required by this subsection."

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

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT BEDFORD, MASS., FOR EDITH NOURSE ROGERS

The Clerk called the bill (H.R. 950) to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital.

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

H.R. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital at Bedford, Massachusetts, shall hereafter be known and designated as the Edith Nourse Rogers Memorial Veterans' Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Edith Nourse Rogers Memorial Veterans' Hospital.

With the following committee amendment:

Page 1, after line 9, add the following:

SEC. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Edith Nourse Rogers.

The committee amendment was agreed to.

Mr. MORSE. Mr. Speaker, I would like to take this opportunity to thank the chairman and the members of the Committee on Veterans' Affairs for bringing this bill to the floor of the House.

I feel that it is indeed appropriate that the Veterans Administration hospital in Bedford, Mass., should be designated the Edith Nourse Rogers Memorial Hospital and stand as a memorial to the dedication Mrs. Rogers always showed for our Nation's veterans.

Mrs. Rogers represented the Fifth Massachusetts Congressional District, which I am now privileged to represent, for 25 years until her death in 1960. During her distinguished career in the House, Mrs. Rogers served on the Veterans' Affairs Committee and made the cause of better hospital care for the Nation's veterans one of her major concerns. As the ranking Republican member of the committee, she was instrumental in the passage of the GI bill in 1944. She served as chairman of the Committee on Veterans' Affairs during both the 80th and 83d Congresses.

During her long service in the Congress, Mrs. Rogers was especially interested in the entire operation of the Bedford Hospital, located in her congressional district, and I feel that the designation of this facility in her memory is a fitting tribute to her steadfast dedication to the cause of veterans everywhere.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to designate the Veterans' Administration hospital at Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital, and for other purposes."

A motion to reconsider was laid on the table.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR CADETS AND MIDSHIPMEN

The Clerk called the bill (H.R. 9096) to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I query how much this would be used by these students already being educated and trained at the expense of the Government. They are being given complete security and sanctified protection by the Government. I wonder if this is included in the report, because there should be some explanation before this goes through on the Consent Calendar.

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

Mr. HALL. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding. As the Chairman of the Subcommittee on Insurance and Veterans Affairs, I would like to answer the gentleman's question and comment on the bill.

The bill has been recommended by the Veterans' Administration and was unanimously approved by our committee.

The cadets and midshipmen are covered for all other veterans' benefits and were inadvertently left out of the cover-

ages extended to the military services in this group life insurance program.

There will be no cost to the Government. These young cadets, over 12,000 of them, in the four service academies are in excellent health and, as I said earlier, there will be no cost to the Government. This is optional—they do not have to take the insurance if they do not desire it. It would cost about $2.50 per month to the midshipman or the cadet.

Mr. HALL. Now, as to my question, is there any estimate; as to the numbers of those to whom this additional benefit is to be proffered; who would participate or accept it?

Mr. MONTGOMERY. Ninety-eight percent of the active duty servicemen participate now. I would think well over 95 percent would take advantage of the program.

Mr. HALL. I doubt very much that these men in these sanctuaries, so to speak, will participate to that degree.

But I have no objection to this insurance and if it is requested by the departments involved, I withdraw my reservation of objection.

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

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

H.R. 9096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended by—

(1) striking from paragraph (B) of clause (1) "and";

(2) striking the period at the end of paragraph (C) of clause (1) and inserting "; and" in place thereof; and

(3) adding the following new paragraph to clause (1):

"(D) full-time duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy."; and

With the following committee amendments:

Page 1, line 9, strike out "and".

Page 2, line 6, add the following at the end thereof: "; and

"(4) adding immediately after the word "grade" in paragraph

"(A) of clause (5) the following: ", or as a cadet midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy".

The committee amendments were agreed to.

Mr. MONTGOMERY. Mr. Speaker, H.R. 9096 would extend servicemen's group life insurance coverage to cadets and midshipmen at the U.S. Military, Naval, Air Force, and Coast Guard Academies. As the Members know, the Congress established this new group insurance program in 1965 for all persons in the active service. Although cadets and midshipmen at the academies and their survivors are now, and have been for many years, included in title 38, United States Code for all of the established veterans' programs, unfortunately the specific statutory wording of the entitlement provision in the SGLI law was such as to deny them coverage thereunder. According, this bill, in effect, merely places them in the same position as they should have been placed under the original law in 1965. I should point out that while this insurance coverage is automatic in the first instance every serviceman has the privilege of declining coverage in whole or in part. The Defense Department deems such cadets and midshipmen as full-time members of the military community and, therefore, along with the Veterans' Administration, favors this bill. The young men concerned are in excellent health and we are advised that the extension of this coverage would involve no additional cost to the Government.

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

TO PROVIDE UNIFORM DEFINITIONS OF CERTAIN BENEFICIARIES OF SERVICEMEN'S GROUP LIFE INSURANCE

The Clerk called the bill (H.R 9097) to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes.

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

H.R. 9097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended by adding the following definitions thereto:

"(7) The term 'widow' or 'widower' means a person who is the lawful spouse of the insured member at the time of his death.

"(8) The term 'child' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

"(9) The term 'parent' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purpose of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 766 (b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence."

SEC. 2. The provisions of this Act shall apply only to Servicemen's Group Life Insurance in effect on the life of an insured member who dies on or after the date of enactment of this Act.

Mr. MONTGOMERY. Mr. Speaker, H.R. 9097 would also amend the servicemen's group life insurance provisions of the law so as to provide a uniform definition of the terms "widow," "widower," "child," and "parent." Experience under the program to date discloses that there is a great lack of uniformity in determining eligibility of beneficiaries since the insurer must follow the State law applicable in each case. As a result, a "child" may receive the insurance in one case under a particular State statute whereas a similar "child" of a veteran who perhaps was killed under the same circumstances but resided in another State would be barred.

The SGLI program is federally sponsored and, since its inception in 1965, has required a subsidy in Federal funds on almost a matching basis. We believe that the definitions of beneficiaries should therefore be uniform and this would be entirely consistent with the definitions of beneficiaries of other veterans' programs which are now spelled out in title 38. Enactment of the bill will not result in any additional cost to the Government.

Mr. Speaker, H.R. 11334 would provide a new option under national service life insurance policies under which an insured might elect to have his dividends used to purchase additional paid-up NSLI. This bill is another effort on the part of our committee to find means that are actuarially sound to extend some relief to the holders of term policies under which—as all members have become painfully aware—the premiums are increased every 5 years and at the higher ages become practically prohibitive. Under this bill, if a veteran elects the option, we are advised that in 15 to 20 years he can accrue, depending on various factors, additional paid-up insurance of $3,000 to $4,000. In such a case, he could well afford to drop a portion of his term insurance then running at an excessive premium.

The committee is informed that the option to use dividends to purchase additional paid-up insurance is a right now enjoyed by most commercial life insurance policyholders and, therefore, it seems most appropriate to incorporate this new option in the NSLI program. As I stated, enactment of the bill would constitute a further effective and sound approach in our continuing efforts to minimize the ever-increasing term insurance premium problem. It would establish a program under which the holders of NSLI term policies could acquire some permanent plan coverage on which no premium

would be payable. The premiums on term insurance increase with the age of the insured on each 5-year renewal, and at the older ages are practically prohibitive. This creates financial hardship and dissatisfaction. The Veterans' Administration advises that their experience shows that it often results in a reduction or discontinuance of the insurance at a time when it is most likely to mature. The paid-up insurance authorized by the bill would alleviate some of these hardship cases.

It is estimated that the cost of the bill, other than the administrative cost, will be negligible. The initial cost of notifying all policyholders of the benefits of the bill is estimated to be about $450,000. Thereafter, the administrative cost will approximate $7,900 per 1,000 dividend option changes.

Mr. Speaker, H.R. 11335 would authorize a new modified life plan of NSLI with reduction at age 70. This, again, represents another small step toward extending an additional avenue under which term policyholders may find that they can salvage some portion of their insurance before it is too late.

Our committee recommended, and the Congress enacted in 1965, a new modified life plan of NSLI with reduction at age 65, it was possible to extend this plan with a premium somewhat higher than the term premium but lower than the required premium for converting to ordinary life insurance, and at a premium that would remain level throughout the lifetime of the insured. In such case, the principal amount of the insurance would be reduced by 50 percent at age 65. The bill before us would authorize such a plan but make it more attractive by postponing the reduction until the insured reached age 70. Under the bill, all holders of the present age 65 plan will be given the opportunity to exchange to the new plan, without a showing of good health, but subject to a one-time additional payment necessary for the higher reserve value and, of course, at a slightly higher premium. The committee was assured that the adoption of this new plan in the insurance program will in no way impair or adversely affect the values, dividends, and so forth, to which policyholders under the various other plans of insurance are now entitled.

Enactment of the bill will involve no additional benefit cost to the Government. It is estimated that the administrative cost the first year will be approximately $100,000.

Mr. Speaker, I ask permission to revise and extend my remarks on the bill H.R. 9096.

Mr. Speaker, I ask permission to revise and extend my remarks on the bill H.R 9097.

Mr. Speaker, I ask permission to revise and extend my remarks on the bill H.R. 11334.

Mr. Speaker, I ask permission to revise and extend my remarks on the bill H.R. 11335.

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

TO DESIGNATE THE VETERANS' ADMINISTRATION HOSPITAL IN SAN ANTONIO, TEX., AS THE AUDIE L. MURPHY MEMORIAL VETERANS' HOSPITAL

The Clerk called the bill (H.R. 11220) to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital now under construction at San Antonio, Texas, shall hereafter be known and designated as the Audie L. Murphy Memorial Veterans' Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Audie L. Murphy Memorial Veterans' Hospital.

With the following committee amendment.

Page 1, after line 9, add the following:

"Sec. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Audie L. Murphy."

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 11220 provides for the naming of the new VA hospital, which is about to be completed in San Antonio, Tex., in memory of the most decorated soldier of World War II, Audie L. Murphy.

Mr. Speaker, it was a great honor for me to introduce this bill and it is cosponsored by all members of the Texas congressional delegation. A companion bill has also been introduced in the Senate by Senators BENTSEN and TOWER and it is my fervent hope that this legislation will be promptly enacted.

Mr. Speaker, just as the name of Sgt. Alvin York epitomized the heroes of World War I, Audie Murphy is remembered by most all 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.

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 second 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 single handed 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 objective.

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.

The $36 million San Antonio VA hospital is soon to be completed. 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.

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.

Mr. Speaker, I am pleased to state that

this legislation has great support among veteran leaders in Texas and there follows communications I have received on this bill from the Department Commander's of the Veterans of Foreign Wars and the American Legion:

DEPARTMENT OF TEXAS, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Austin, Tex., September 22, 1971.

Re Veterans' Administration Hospital, San Antonio, Tex.

Hon. OLIN E. TEAGUE,
Congressman from Texas, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN TEAGUE: The Veterans Administration is now in the process of constructing a Veterans Administration Hospital in San Antonio, Texas.

It is my understanding that some of the Hospitals in the past have been named for outstanding individuals who have distinguished themselves while serving in the Armed Forces in the United States, or who have distinguished themselves as a Public Servant.

We the Officers and Members of the Veterans of Foreign Wars, wish to call upon you to use your influence to have the above mentioned Hospital named after Audie L. Murphy. I am sure that you are familiar with the late Audie Murphy's distinguished record as a Second Lieutenant in the United States Army, Commanding Company B, 15th, Infantry, 3d Infantry Division.

He, as you probably know, was born in Farmersville, Texas, and was one of the most decorated Veterans of World War II.

Your usual consideration to this request will be sincerely appreciated.

With my kind regards, I am

Yours in comradeship

MEL STANLEY,
Department Commander, Veterans of Foreign Wars, Department of Texas.

THE AMERICAN LEGION
DEPARTMENT OF TEXAS, AUSTIN—
RESOLUTION NO. 1

Whereas, Audie Leon Murphy, born June 20, 1924, at Kingston, Texas, was America's most decorated soldier of World War II, having earned twenty-four awards for combat action in North Africa and Europe including the Medal of Honor; and

Whereas, With the death of Audie Murphy, the Nation lost one of the most courageous men ever to wear the military uniform of the United States in defense of freedom; and

Whereas, His example is a memorial to all persons; and

Whereas, It is fitting and proper to name the Veterans Administration Hospital, now under construction at San Antonio, Texas, in honor of this distinguished Texan; now, therefore be it

Resolved, That the American Legion, Department of Texas, Veterans Affairs and Rehabilitation Commission, assembled at Austin, Texas, this 9th day of October 1971, go on record with this resolution to support and seek legislation to name the VA Hospital now under construction at San Antonio, Texas "Audie Murphy Veterans Administration Hospital," and be it further

Resolved, That copies of this resolution be be forwarded to the Administrator of Veterans Affairs, Mr. Donald E. Johnson; Honorable Olin E. Teague, Chairman, Veterans Affairs Committee of the House of Representatives; and the two Texas Senators, Honorable John Tower and Honorable Lloyd Bentsen, and to all Texas Congressmen.

GIL MOODY,
Department Commander.

Attest: W. H. MCGREGOR,
Department Adjutant.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read "A bill to designate the Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes."

A motion to reconsider was laid on the table.

USE OF DIVIDENDS TO PURCHASE ADDITIONAL PAID-UP NATIONAL SERVICE LIFE INSURANCE

The Clerk called the bill (H.R. 11334) 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.

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

H.R. 11334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of title 38, United States Code, is amended by adding the following sentence at the end thereof:

"The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 707 of this title."

SEC. 2. Section 707 of title 38, United States Code, is amended to read as follows:

"§ 707. Payment or use of dividends

"(a) Until and unless the Veterans' Administration has received from the insured a request or directive in writing exercising any other dividend option allowable under his policy, any dividend accumulations and unpaid dividends shall be applied in payment of premiums becoming due on insurance subsequent to the date the dividend is payable after January 1, 1952.

"(b) The Administrator, upon application in writing made by the insured for insurance under this subsection, and without proof of good health, is authorized to apply any dividend due and payable on national service life insurance after the date of such application to purchase paid up insurance. Also, the Administrator, upon application to in writing made by the insured within six calender months after the effective date of this amendatory Act, and without proof of good health, is authorized to apply any national service life insurance dividend credits and deposits of such insured existing at the date of his application to purchase paid up insurance. Any dividends, dividend credits, or deposits on endowment policies may be used under this subsection only to purchase additional paid up endowment insurance which matures concurrently with the basic policy. Any dividends, dividend credits, or deposits on policies (other than endowment policies) may be used under this section only to purchase additional paid up whole life insurance. The paid up insurance granted under this susbection shall be in addition to any insurance otherwise authorized under this title, or under prior provisions of law. The paid up insurance granted under this subsection shall be issued on the same terms and conditions as are contained in the standard policies of national service life insurance except (1) the premium rates for such insurance and all cash and loan values thereon shall be based on such table of mortality and rate of interest per annum as may be prescribed by the Administrator; (2) the total disability income provision authorized under section 715 of this title may not be added to insurance issued under this section; and (3) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable."

SEC. 3. The analysis of chapter 19 of title 38, United States Code, is amended by deleting therefrom:

"707. Dividends to pay premiums."

and inserting in lieu thereof

"707. Payment or use of dividends."

SEC. 4. The amendments made by this Act shall take effect on a date established by the Administrator but in no event later than the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

With the following committee amendment:

Page 1, strike out line 3 and all that follows thereafter down through line 9 on page 2 and insert the following:

That section 703 and section 741 of title 38, United States Code are amended by adding at the end thereof the following new sentence: "The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 707 of this title."

"Sec. 2. Section 707 of title 38, United States Code, is amended—

(1) by striking out "in writing for payment in cash," in subsection (a) and inserting in lieu thereof "or directive in writing exercising any other dividend option allowable under his policy,";

(2) by adding at the end thereof the following new subsection:

"(c) The Administrator, upon application in writing

AMENDMENT OFFERED BY MR. MONTGOMERY TO COMMITTEE AMENDMENT

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY to the committee amendment: On page 2 beginning at line 12, after "703", insert "and" section 741".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 16, strike out "amendatory Act" and insert "subsection".

Page 3, line 15, insert "; and" immediately after the quotation mark, and between lines 15 and 16 insert the following:

(3) by amending the side heading to read as follows: "§ 707. Payment or use of dividends".

The committee amendments were agreed to.

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

NEW MODIFIED LIFE PLAN OF NATIONAL SERVICE LIFE INSURANCE WITH REDUCTION AT AGE 70

The Clerk called the bill (H.R. 11335) 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.

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

H.R. 11335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 704 of title 38, United States Code, is amended effective the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act by the addition of the following new subsection thereto:

"(e) On and after the effective date of this subsection and under such regulations as the Administrator may promulgate, insurance may be converted to or exchanged for insurance on a modified life plan under the same terms and conditions as are set forth in subsections (b) and (c) of this section except that at the end of the day preceding the seventieth birthday of the insured the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any insured whose modified life insurance policy issued under this subsection is in force by payment or waiver of premiums on the day before his seventieth birthday may be granted insurance on the ordinary life plan upon the same terms and conditions as are set forth in subsection (d) of this section except that in applying such provisions the seventieth birthday is to be substituted for the sixty-fifth birthday. Notwithstanding any other provision of law or regulations the Administrator under such terms and conditions as he determines to be reasonable and practicable and upon written application any payment of the required premiums, reserves, or other necessary amounts made within one year from the effective date of this subsection by an insured having in force a modified life plan issued under subsections (b) or (c) of this section, including any replacement insurance issued under subsection (d) of this section or other provision of this title, can exchange such insurance without proof of good health for an amount of insurance issued under this subsection equal to the insurance then in force or which was in force on the day before such insured's sixty-fifth birthday, whichever is the greater."

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

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veterans' bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPROVING AN ORDER OF THE SECRETARY OF THE INTERIOR CANCELING IRRIGATION CHARGES AGAINST NON-INDIAN-OWNED LANDS UNDER THE MODOC POINT UNIT OF THE KLAMATH INDIAN IRRIGATION PROJECT, OREGON

The Clerk called the bill (H.R. 489) to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

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

H.R. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act of June 22, 1936 (49 Stat. 1803; 25 U.S.C. 389–389e), the order of the Secretary of the Interior dated December 31, 1968, canceling $76,302.29 of irrigation assessments and costs and any interest and penalties accrued thereon, chargeable against non-Indian-owned lands in the Modoc Point unit of the Klamath Indian irrigation project is hereby approved.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD).

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 489 is to approve an order of the Secretary of the Interior which cancels $76,302.29 in irrigation assessments against non-Indian lands in the Modoc Point unit of the Klamath Indian irrigation project, plus accrued interest and penalties. The order of the Secretary of the Interior was issued pursuant to the act of June 22, 1936 (25 U.S.C. 389), and under the terms of that act the order will not be effective until approved by Congress.

All units of the Klamath Indian irrigation project are being operated by the landowners without cost to the United States, except the Modoc Point unit. The Modoc Point Irrigation District, organized under Oregon law, is willing to accept a transfer of the unit if all remaining construction charges against the lands are canceled.

The Secretary's order of December 31, 1968, cancels the remaining reimbursable charges against the non-Indian lands, conditioned on the completion of an agreement with the irrigation district to take over the unit. After that order is approved by enactment of the pending bill, the Secretary of the Interior will cancel administratively under authority of the Klamath Termination Act of August 13, 1954, the remaining reimbursable charges against the Indian lands in the project.

The irrigation system needs to be rehabilitated and extended at an estimated cost of $302,000. This cost would be beyond the ability of the water users to pay, unless the existing reimbursable charges are canceled. The cancellation of these charges will permit the irrigation district to assess the lands for the rehabilitation and betterment work, and the assessment will be within the economic ability of the lands to pay.

The committee is convinced that the proposed cancellation, together with a transfer to the irrigation district of all future responsibility for operation and maintenance of the unit, will be in the financial interest of the United States. The Secretary of the Interior shares that conclusion.

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

DECLARING THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

The Clerk called the bill (H.R. 2185) to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians.

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

H.R. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the northwest quarter, northwest quarter, section 35, township 41 north, range 5 east, forth principal meridian, Wisconsin, containing forty acres, more or less, including improvements thereon, is hereby declared to be held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, subject to valid existing rights-of-way of record and to the continued use of the fire observation tower located on the above-described land by the State of Wisconsin, for so long as it is needed for fire protection purposes.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 2185, introduced as the result of an executive communication from the Department of the Interior, is to convey to the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin the beneficial interest in 40 acres of Federal land. The land was purchased by the United States in 1932 for $500, and it has a present value of $2,100. Although the conveyance will be made without the payment of a consideration, the value of the land will be considered for set-off purposes in any future claim allowed by the Indian Claims Commission.

The land is located within the reservation, is no longer needed by the Department of the Interior in connection with the administration of Indian affairs, and is desired by the Band for use in connection with its forest management plan and its recreational development plan.

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

AUTHORIZING THE ACQUISITION OF A VILLAGE SITE FOR THE PAYSON BAND OF YAVAPAI-APACHE INDIANS

The Clerk called the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

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

H.R. 3337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a suitable site (of not to exceeed eighty-five acres) for a village for the Payson Band of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the band in cooperation with the Secretary of the Interior and the Secretary of Agriculture.

(b) Upon the transfer of the land referred to in section 3, the lands selected under subsection (a) for the village site are hereby eliminated from the Tonto National Forest and all right, title, and interest of the United States in and to such lands are hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Band of Yavapai-Apache Indians.

SEC. 2. The Payson Band of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.

SEC. 3. There is authorized to be appropriated such sums as may be necessary for the acquisition (within the boundaries of the Tonto National Forest) by the Secretary of the Interior (after consultation with the Secretary of Agriculture) of lands (or interests in lands) for the purpose of transfer to the Secretary of Agriculture as additions to the forest in lieu of the lands to be eliminated from the forest by the first section of this Act.

With the following committee amendments:

Page 1, lines 6 and 7, strike out "band in cooperation with" and insert "band, subject to approval by".

Page 2, strike out lines 1 through 2 and insert the following:

(b) The Secretary of Agriculture is authorized and directed to convey without consideration all right, title, and interest of the United States, except as provided in section 2 of this Act, in and to the property selected pursuant to this section to an association, which shall be an Arizona corporation organized for the benefit of the Payson Band of Yavapai-Apache Indians and whose membership shall be the members of the Payson Band of Yavapai-Apache Indians, subject to the following conditions:

(1) Such association shall use such property only in accordance with its corporate purposes set out in its original articles of incorporation, such articles to be subject to the approval of the Secretary of the Interior prior to their being filed with the Arizona Corporation Commission.

(2) Title to such property shall be held by such association for the common benefit of all the members of such association and no part of such property shall ever be conveyed for the benefit of any private organization, association, group, or individual, and such restriction shall appear in the Articles of Incorporation.

(3) Such other conditions as the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall deem necessary to protect the interest of the United States.

If any condition imposed by this section is breached at any time, all of the real property conveyed under authority of this Act shall revert to the United States.

The conveyance of such lands shall eliminate them from the Tonto National Forest.

SEC. 2. Any conveyance under this Act shall contain a reservation to the United States of all minerals included under the mining laws and mineral leasing laws for which the land as of the date of issuance of the conveyance is deemed by the Secretary of Agriculture, after consultation with the Secretary of the Interior, to be valuable or prospectively valuable, together with the right of the United States, its lessees, permittees, or licensees to prospect for, mine, and remove them under applicable provisions of law.

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 3337 is to convey to the Payson Band of the Yavapai-Apache Indians not more than 85 acres of land in the Tonto National Forest for use by the Indians as a village site.

The Payson Band is a part of the San Carlos Apache Tribe. The members of the band lived on private land called Indian Hill from 1904 to 1954, when the land was sold. The Indians then migrated to the Tonto National Forest where they lived without specific authority in unsanitary and unhealthful surroundings. There is a need to relocate the Indians on a more satisfactory site, and a new site containing about 15 acres has been agreed upon by the Indians, the Department of the Interior, and the Department of Agriculture.

An unrestricted title to the land will be conveyed to a membership corporation organized under Arizona law and composed of members of the band. The title will revert to the United States if the land is not used in accordance with the conditions stated in the bill. The conveyance also reserves to the United States all minerals in the land.

The committee did not adopt an amendment recommended by the Department of the Interior which would disclaim any Federal responsibility to provide special services to these Indians because of their status as Indians. By omitting this language, and also the language in the bill specifically recognizing the band as a separate tribe of Indians, the committee intended to maintain the status quo, neither affirming nor disaffirming their eligibility for a particular service under present law.

The committee also disapproved an amendment proposed by the Department of Agriculture that would have authorized the Federal purchase of lieu lands, costing $60,000, to replace the national forest lands conveyed to the Indians. The Department made no showing that additional lands are needed, and the departmental witness did not insist on this amendment.

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

PROVIDING FOR DISPOSITION OF JUDGMENTS FUNDS FOR CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

The Clerk called the bill (H.R. 6291) to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes.

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

H.R. 6291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds that may hereafter be deposited to the credit of the Confederated Tribes of the Colville Reservation to pay a judgment arising out of proceedings presently pending before the Indian Claims Commission in docket numbered 178 and the funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay a judgment in favor of the Confederated Tribes of the Colville Reservation, and others, in Indian Claims Commission docket numbered 179, and apportioned to the Confederated Tribes under the Act of April 24, 1961 (75 Stat. 45), and interest thereon, after payment of attorney fees and other litigation expenses, shall be distributed per capita to enrolled members of the Confederated Tribes of the Colville Reservation, who were born on or prior to and living on the date of this Act.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income tax. Any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

With the following committee amendments:

Page 1, line 3, strike out "that may hereafter be".

Page 1, lines 5 and 6, strike out "presently pending".

Page 2, lines 7 to 9, strike out "per capita" and the remainder of the sentence, and insert in lieu thereof: "on a per capita basis, each share amounting to not more than $950, to the extent such funds are available, to each person born on or prior to and living on the date of this Act, who meets the requirements for membership, in the Confederated Tribes of the Colville Reservation. The remaining balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 6291 is to authorize the use of a judgment against the United States that was recovered by the Confederated Tribes of the Colville Reservation in the Indian Claims Commission. The net amount available is about $5,216,452. The money has been appropriated, but it may not be used until authorizing legislation has been enacted.

The bill provides for a per capita distribution of the entire sum. There are about 5,309 tribal members, and about half of them live away from the reservation. A per capita distribution will serve the best interests of the entire group. The tribe has other income which will finance reservation programs and provide educational assistance.

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

AMENDING THE ACT OF AUGUST 9, 1955, TO AUTHORIZE LONGER TERM LEASES OF INDIAN LANDS LOCATED OUTSIDE THE BOUNDARIES OF INDIAN RESERVATIONS IN NEW MEXICO

The Clerk called the bill (H.R. 7701), to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico.

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

H.R. 7701

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415), is amended by inserting immediately after "the pueblo of Zuni," the following: "Indian trust or restricted lands located outside the boundaries of Indian reservations in the State of New Mexico,".

With the following committee amendment:

Page 1, strike out lines 8 through 11, and insert "415), is amended by inserting immediately after the word 'except' the first time it appears the words 'leases of land located outside the boundaries of Indian reservations in the State of New Mexico, and' ".

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 7701 is to grant 99-year lease authority for trust or restricted Indian land in New Mexico that is located outside the boundaries or reservation.

The act of August 9, 1955 (69 Stat. 539) authorizes the Indian owners of trust or restricted land to lease the land, with the approval of the Secretary of the Interior. The term of the lease normally may not exceed 25 years, with one option to renew for 25 years.

In the case of specified reservations, leases may be for as long as 99 years. This long term lease authority has been granted by Congress on a selective basis after a need for the authority has been demonstrated, because a lease for 99 years effectively alienates the land during the lifetime of present owners.

The Navajo Reservation is one of the reservations where long-term lease authority has been granted. There are, however, about 4,000 Navajo allotments outside the reservation, mostly in New Mexico, and these allotments may not be leased for long terms without the enactment of this bill. The bill will also apply to some Navajo tribal land located outside the reservation, and to some allotments to Indians who are not Navajos.

The long-term lease authority is needed to permit the full economic development of the lands.

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

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS FOR THE YANKTON SIOUX TRIBE

The Clerk called the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes.

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

H.R. 7742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment to the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, together with the interest thereon, after payment of attorney fees and litigation expenses, and such other expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

SEC. 2. Prior to the approval of this Act and/or date of this Act, the Yankton Sioux Tribal Business and Claims Committee is hereby authorized and directed, pursuant to General Indian Tribal Council meeting held on March 3, 1971, to use not to exceed $150,000 of the tribal funds standing to the credit of the Yankton Sioux Tribe of Indians in the State of South Dakota arising from the judgment award on docket numbered 332–A, known as the Royce 151 claim and that this fund or so much thereof as may be needed shall be used to pay the expenses and compensation of the competent experts that is needed for assistance and that these experts will be assisting in the final completion of the litigation on the combined Sioux Laramie lands and Royce 410 Yankton homelands along with the issues of consideration and offsets in docket numbered 332–C and the accounting claim in docket numbered 332–B.

SEC. 3. The Yankton Sioux Tribal Enrollment Committee shall prepare a roll of all persons born on or prior to and living at midnight on January 28, 1968, who meet the membership requirements of the tribal constitution approved on October 5, 1932, as amended. Applications for enrollment for the purpose of this payment must be filed with the tribe within one hundred and twenty days after the date of this Act.

SEC. 4. The judgment fund, less funds otherwise provided in section 2, shall be distributed per capita to those persons whose names appear on the roll prepared in accordance with section 3 of this Act. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be deposited in a local depository and paid in accordance with such procedures as the Yankton Sioux Tribe determines appropriate to protect the best interests of such persons. Shares of schoolchildren may be budgeted for school purposes at not to exceed $10 per month per school term. The balance of the share of an individual schoolchild may be paid directly to said schoolchild upon his or her reaching eighteen years of age.

SEC. 5. The funds that are distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax. No part of any of the funds distributed in accordance with the provisions of this Act shall be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or the United States. The funds distributed in accordance with the provisions of this Act shall not be considered as "other income" within the meaning of the Social Security Act or be in lieu of aid to dependent children.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 1, line 10 through page 2, line 15, strike out all of section 2 and insert a new section 2 as follows:

"SEC. 2. The Secretary of the Interior shall withhold from distribution a sum not to exceed $150,000, pending a decision by the Yankton Sioux Tribal Business and Claims Committee regarding the needs of the tribe for expert witnesses in the Yankton Sioux claims in Indian Claims Commission dockets Nos. 332–B, 332–C, and 74. The sum withheld may be used for such purpose or for other programing needs, subject to the approval of the Secretary."

Page 2, lines 16 through 23, strike out all of section 3 and insert a new section 3 as follows:

"SEC. 3. The Secretary of the Interior, in cooperation with the Tribal Council, shall prepare a roll of all persons born on or prior to and living on the date of this Act who meet the requirements for membership of the Yankton Sioux tribal constitution approved on October 5, 1932, as amended."

Page 3, lines 6 through 13, strike out the word "deposited" and the remainder of the section, and insert the following: "paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

Page 3, lines 14 through 23, strike out all of section 5 and insert a new section 5 as follows:

"SEC. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 7742 is to authorize the use of a judgment against the United States that was recovered by the Yankton Sioux Tribe in the Indian Claims Commission. The net amount available is about $1,234,555. The money has been appropriated, but it may not be used until authorizing legislation has been enacted.

The bill provides for withholding $150,000 from the judgment to finance the cost of expert witnesses in litigation that is still pending. The balance of the judgment will be distributed per capita to all members of the tribe. The membership is estimated to be around 2,900, more than half of whom live away from the reservation. Both the tribe and the Department of the Interior agree on the need of this per capita distribution. Reservation programs will be financed from other sources.

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

AUTHORIZING THE PURCHASE, SALE, AND EXCHANGE OF CERTAIN LANDS ON THE KALISPEL INDIAN RESERVATION

The Clerk called the bill (H.R. 8381), to authorize the purchase, sale, and ex-

change of certain lands on the Kalispel Indian Reservation, and for other purposes.

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

H.R. 8381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Kalispel Indian Reservation in the State of Washington into the ownership of the Kalispel Indian Community and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship, and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Kalispel Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Purchase for the Kalispel Indian Community with any funds available to such tribe and to otherwise acquire by gift, exchange, or relinquishment any lands or interests in lands or improvements therein within the Kalispel Indian Reservation.

(2) Sell or approve sales of any tribal lands, any interest therein, or improvements thereon.

(3) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Kalispel Indian Community pursuant to this Act shall be upon request of the business community or the Kalispel Community Council of the Kalispel Indian Community evidenced by a resolution adopted in accordance wtih the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credits received by the Kalispel Indian Community in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Kalispel Indian Reservation held in multiple ownership to the Kalispel Indian Community or to other Indians if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

SEC. 5. That, notwithstanding any general statutory prohibition against the use of tribal funds to acquire land in Washington if the acquisition would exempt the land from local taxation, the title to any lands or any interest therein acquired pursuant to this Act shall be acquired in the name of the United States of America in trust for the Kalispel Indian Community and shall be subject to the same laws as other Indian trust lands on the Kalispel Indian Reservation.

SEC. 6. Any tribal land may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause of the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Kalispel Indian Reservation."

With the following committee amendments:

Page 1, line 11, strike out "to:".

Page 2, strike out lines 1 through 10 and insert "to sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon."

Page 2, line 11, strike "acquisition, sale, and exchange" and insert "sale".

Page 3, lines 2 and 3, strike out "Community or to other Indians" and insert "Community, to any member thereof, or to any other Indian having an interest in the land involved,".

Page 3, lines 8 to 15, strike out all of Sec. 5 and renumber the following sections.

Page 3, lines 16 to 18, strike out "Any tribal land may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and" and insert "The Community Council of the Kalispel Indian Community may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land".

Page 4, line 5, after "inserting" insert "after 'the Fort Mohave Reservation,' ".

Page 4, line 6, delete "Reservation." and insert "Reservation,".

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 8381 is to give the Kalispel Indian Community additional land management authority within the Indian reservation.

The bill authorizes the Secretary of the Interior to sell tribal lands within the reservation on behalf of the Kalispel Indian Community. Any sale of tribal lands must be approved by the tribe in accordance with its constitution, and must conform to a land consolidation plan approved by the Secretary of the Interior. The proceeds of sale must be used to purchase other lands, or in furtherance of a land consolidation program.

The bill also authorizes the Secretary of the Interior to sell or exchange "heirship" land on request of the owners of a majority interest in the land. The committee amendment limits a sale to the tribe, to a member of the tribe, or to an Indian who has an undivided interest in the land.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF JUDGMENT FUNDS OF THE PUEBLO OF LAGUNA

The Clerk called the bill (H.R. 10352) to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes.

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

H.R. 10352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the pueblo of Laguna that were appropriated to pay a judgment by the Indian Claims Commission in docket numbered 227, and the interest thereon, after payment of attorney fees and expenses may, be advanced or expended or invested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior, including the transfer to the unrestricted funds of the pueblo of Laguna.

SEC. 2. Any part of such funds that may be distributed to members of the pueblo shall not be subject to Federal or State income tax.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2339) to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket No. 227, and for other purposes, be considered in lieu of H.R. 10352.

Mr. HALL. Mr. Speaker, are we not going to complete action on the committee amendment first?

The SPEAKER pro tempore. The Clerk will report the title of the Senate bill first.

The Clerk read the title of the Senate bill.

Mr. ASPINALL. Mr. Speaker, may I say at this time that the Senate bill which I asked to have before us is the same as the House bill with the amendment, so I ask for its consideration instead of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

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

S. 2339

An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Pueblo of Laguna that were appropriated to pay a judgment by the Indian Claims Commission in docket numbered 227, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended or invested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior, including the transfer to the unrestricted funds of the Pueblo of Laguna.

SEC. 2. Any part of such funds that may be distributed to members of the pueblo shall not be subject to Federal or State income tax.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 2339 is to authorize the use of a judgment against the United States that was recovered by the Laguna pueblo in the Indian Claims Commission. The

net amount available is about $821,747. The money has been appropriated, but it may not be used until authorizing legislation has been enacted.

The bill authorizes the money to be used for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior. Unlike most bills of this kind, the bill also authorizes the money to be transferred, with the approval of the Secretary, to the unrestricted funds of the pueblo. If this should happen, the Secretary would have no further responsibility with regard to the use of the money. The Secretary advised the committee that the tribe is competent to handle the money, and that he has no objection to the inclusion of this language in the bill.

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

A similar House bill (H.R. 10352) was laid on the table.

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

AMENDING INVESTMENT COMPANY ACT OF 1940, AS AMENDED

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 2216, to amend the Investment Company Act of 1940, as amended, which is a Senate bill identical to H.R. 9758 as passed on the Consent Calendar.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, will the distinguished gentleman from West Virginia relate the Senate bill he is asking unanimous consent to take up to the bill which was just passed by the House on the Consent Calendar?

Mr. STAGGERS. The Senate bill is identical.

Mr. HALL. To which one?

Mr. STAGGERS. The Investment Company Act amendment, which is numbered 80 on the list.

Mr. HALL. And the gentleman says it is just the same as the bill under consideration today, and he affirms the Senate version is identical in all respects to that version passed by the House?

The amendments are germane and there are no additional costs?

Mr. STAGGERS. That is correct.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2216

An act to amend the Investment Company Act of 1940, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27(f) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-27(f)), is amended to read as follows:

"(f) With respect to any periodic payment plan (other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 per centum of such payment), the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commision may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection."

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

A similar House bill (H.R. 9758) was laid on the table.

SUPPORT VOICED FOR H.R. 11589, THE PASSENGER SHIP SALES BILL

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

Mr. VAN DEERLIN. Mr. Speaker, H.R. 11589, to permit the sale to foreign interests of five U.S.-flag passenger ships, seems to have become embroiled in a great deal of controversy—despite a resounding vote of confidence by the Merchant Marine and Fisheries Committee.

It would be splendid if we could be assured of keeping these ships—once the pride of our passenger fleet.

But the harsh realities of economics and changing modes in transportation dictate that we should at least maintain options in determining the future of these ships, and that is what H.R. 11589 would allow us to do.

Representing a port area, I am naturally most concerned about whatever effects enactment of this legislation might have on employment in maritime and related industries.

If I thought this bill would take jobs from Americans, I would oppose it. But I am convinced the opposite is true—the shipping lines involved will be able to turn the proceeds from the sale of these vessels into orders for new merchant ships, creating hundreds of seagoing jobs.

Likewise, new employment will be generated in our hard-pressed domestic shipbuilding industry. One such yard, the National Steel & Shipbuilding Co., is in my own district, in San Diego. The firm currently is working to build a backlog of orders to provide job stability in an area where unemployment now exceeds 6 percent.

Passage of H.R. 11589 would put my constituent yard in a position to bid for two of the merchant ships that would have to be constructed with proceeds from the sale of the five obsolescent passenger liners.

Other shipbuilding companies and parts suppliers, in other parts of the country, would also stand to benefit. Overall, our maritime posture would be strengthened if the laid-up passenger ships could be replaced by urgently needed merchant marine vessels—all flying the U.S. flag.

In short, the net effect of H.R. 11589 would be to generate jobs, rather than take them away.

I am completely sympathetic to the purposes of this bill, and urge our colleagues to join in supporting it.

ARTICLES CRITICAL OF AMBASSADOR OF UNITED STATES TO GREECE ARE NOT CONCLUSIONS OF THE SUBCOMMITTEE ON EUROPE.

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

Mr. MONAGAN. Mr. Speaker, the New York Times and Washington Post yesterday carried articles critical of the Ambassador of the United States to Greece and authored by the staff consultant of the Subcommittee on Europe of the House Committee on Foreign Affairs.

As a member of the Subcommittee on Europe, I wish to state that the conclusions in this well-publicized report are not the conclusions of the subcommittee. The subcommittee never considered this report and its existence was unknown to me until a few days ago.

The subcommittee is in no position to have an opinion on the merits of the report since its members took no part in the investigation which apparently was done solely by the staff consultant. Incidentally it might be inferred that there was a bias in the investigation in view of the fact that practically no contact was made with officials of the current government in Athens, but whether or not the evidence supported the conclusions of the report, the subcommittee did not consider and pass on it.

The question of the judgment and the activities of an Ambassador to the United States is a delicate and complex one. I feel it probable that I might not agree with all the policies and judgments of the Ambassador in question, but it is highly objectionable to permit a staff consultant to issue an appraisal of these judgments and policies without the knowledge or authority of the subcommittee whose sanction is lent to the report.

It is said that the report did not come before the subcommittee for consideration because approval might not be obtained. This would seem to be a reason against publication rather than for such release. At any rate, the staff member has compromised his usefulness by this unwise and premature disclosure.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Connecticut yield?

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

Mr. ROONEY of New York. Mr. Speaker, is the staff member to whom the gentleman from Connecticut referred still an employee of the Foreign Affairs Committee?

Mr. MONAGAN. As far as I know, he is.

Mr. ROONEY of New York. Well, he should not be.

CONFERENCE REPORT ON H.R. 11418, MILITARY CONSTRUCTION APPROPRIATIONS, 1972

Mr. SIKES. Mr. Speaker, I call up the conference report on the bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 10, 1971.)

Mr. SIKES (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman explain the bill and allocate the usual time, inasmuch as copies of the conference report are not yet available on the floor to Members?

Mr. SIKES. I fully intend to explain the bill, and I trust we can have a complete understanding of the actions of the conferees before conclusion of the discussion.

Mr. HALL. That would be most helpful.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. SIKES. Mr. Speaker, we bring to the House today the conference report—House Report No. 92-664—on H.R. 11418 making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes. The conference agreement would provide $2,037,097,000 in new budget authority. This is $92,708,000 below the budget as recommended by the Department of Defense. The bill is $24,651,000 higher than the House version which was passed on October 27, 1971.

However, the conferees fully support the additions. There are a number of reasons for the increase and the committee feels they are sound. For instance, there were an unusually large number of losses of facilities by fire, storm, and other reasons which commonly are called act-of-God causes. There is a $2½ million addition for planning for alternate facilities for Culebra, in the Caribbean. This is necessitated by the fact that the Navy has been instructed to prepare an alternate plan to provide target areas due to population increases and other complications which affect existing activities. This study should proceed as rapidly as possible, but the status was such that the project was not included when the bill passed the House.

A close look at the Senate action will show that the Senate cut deeply into family housing and in lieu thereof added many other items. Some of these were sufficiently noteworthy that the House conferees accepted them. However, we in the House are particularly concerned with the need to continue to deal with the critical problem of family housing and troop housing construction. In this bill we make the strongest effort ever, through addition of new housing, and by modernization and improved maintenance of other structures which are now inadequate. The House conferees feel housing is essential to retention and morale in the services.

In the main this bill provides substantial improvement in modernization of Air Force depot plants and continues in a small way the improvement of outdated naval aviation rework facilities.

We substantially held the line on providing funds for the U.S. share in the NATO infrastructure program. It is important to bear in mind that it is only through the infrastructure that we recoup funds for our facilities in NATO countries. In this program we pay 30 percent and the allies pay the remainder. But for all construction other than through infrastructure, the United States pays the entire bill. We are not happy in the progress negotiators are making in obtaining funding through NATO for our facilities and we are constantly urging tighter negotiations by all of our representatives. The fact remains that it is better to get as much as we can through this program than to underfund it and destroy it and get nothing in reimbursement.

There is no change in the bill in safeguard funding. It remains at the same level as carried in the bill passed by the House and the Senate. There is continued construction for two sites. There is advance preparation for the third and fourth, and planning only in case it is required for the fifth. This is a striking contrast to the need for 12 sites which once the Pentagon felt to be essential if we are to provide reasonable protection from a Russian or Chinese missile strike and to be able to launch a retaliatory strike. Very probably this situation is in part a result of the SALT talks. The Russians have been able to lull us into a sense of security. This is what usually happens when we become involved with endless negotiations with other powers. We have obtained nothing firm from the talks except occasional statements from the negotiators intended to express pious hope and to soothe the American public. In the meantime the Russians have an antiballistic missile capability which they continue to improve.

I feel that we have reached a sound compromise with the other body and I urge prompt approval of the conference action.

Now let me provide more specific details about the action of the conferees.

The most significant aspect of the conference agreement is that it has retained all but $4,283,000 of the funds provided for family housing in the bill which passed the House. The amount appropriated for family housing is $933,955,000. This is $33,335,000 over the Senate and $25,805,000 over the budget request. Of the total provided, $92,820,000 is estimated to be required for the payment of debt obligations in connection with family housing acquired under previous programs, leaving $841,135,000, which constitutes new budget authority. Of this amount, approximately one-third or $289,821,000, is for new construction including improvements. These funds and prior-year balances available will allow for construction of the 9,432 new units authorized for the fiscal year 1972 program. Included are funds for 88 units to replace thoroughly inadequate housing at Camp Drum, N.Y., and 90 units at Woomera, Australia, to be financed from funds available to the Air Force—as recommended by the Senate. In addition, the conferees' recommended allowance would provide for increases above the budget request and the Senate bill for urgently needed minor construction, improvements, and up to approximately 500 Navy and Air Force units for which prior-year authorizations remain available. The committee expects to be consulted in advance with regard to the location of any units at Long Beach or the construction of units overseas. The conferees deleted $2,501,000 for Army new construction, but retained $5,832,000 deleted by the Senate, with the proviso that these funds may be used for badly needed Army family housing improvements but not for the conversion from coal to oil of heating plants in housing units in Germany.

The House held strongly for the additional money for family housing because the House conferees believe that military family housing has been shortchanged in the past and that there is and will continue to be for the foreseeable future a critical deficiency in both numbers and quality of housing available to military families. This must be corrected for humanitarian as well as practical reasons. We cannot expect military families to be involuntarily separated from each other—approximately 21,000 are at the present time—to pay excessive and in some areas gouging rents, or to live in inadequate homes because of a lack of sufficient good housing where their sponsors are assigned. At present about one-half million military families suffer these

conditions. Conversely, we cannot expect to attract and retain a sufficient number of qualified personnel in the Armed Forces if their families are not taken care of.

In total, the amount agreed to in conference is a reduction of $92,708,000 from the budget, $24,651,000 above the House bill, and $34,785,000 above the Senate bill. Excluding, for a moment, the additional amount provided for family housing, the amount agreed to for military construction is $118,513,000 under the budget. This represents a cut of more than 8 percent in the amount requested for military construction. Each of the services has a tremendous backlog of facilities which need to be modernized or replaced. During the Southeast Asia conflict, they have been able to do very little replacement; in fact, they have fallen behind.

I feel that this is the maximum that the Congress wisely can cut from the program. The Senate considered items totaling $12,128,000 which were submitted by the Navy and Air Force and authorized to replace facilities destroyed by fire, wind, and so forth, or were required for rebasing of SAC alert aircraft. Adjusting for these projects, the conference action is $16,806,000 over the House bill. Major items included in this increase for the Army are: Airfield facilities to support the 101st Airborne Division at Fort Campbell, Ky., and a weapons evaluation facility at Yuma Proving Ground, Ariz. The conferees agreed to the latter only on the provision that it not be used in any way to support the further relocation of activities from Aberdeen Proving Ground, Md. We expect the Army to follow the letter and the intent of this prohibition.

For the Navy are moneys for the first increment of a management engineering complex at Charleston Naval Shipyard in South Carolina and additional planning funds to carry out a study of alternate range facilities in the Culebra area, for which funds were authorized in the military construction authorization act for fiscal year 1972. The Navy cannot accomplish this study within the prescribed time and perform a sufficient level of design work on its fiscal year 1973 program without these additional funds.

Recommended for the Air Force are a navigator academic training facility at Mather Air Force Base, Calif., and a composite medical facility at Pease Air Force Base, N.H. The latest information available to the committee indicates that it makes sense to provide this replacement for antiquated facilities at the Portsmouth Naval Hospital at this time.

Again let me state that I believe the conference action fully merits the confidence and support of the House.

I will include a comparative statement detailing the action on this bill in the RECORD.

The statement follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

	New budget (obligational) authority, fiscal year 1971	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1971	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
Military construction:									
Army	[1] 321,758,000	[2] 469,700,000	437,274,000	432,946,000	438,316,000	+116,558,000	−31,384,000	+1,042,000	+5,370,000
Navy	302,483,000	405,500,000	343,766,000	357,536,000	355,500,000	+53,017,000	−50,000,000	+11,734,000	−2,036,000
Air Force	284,147,000	316,600,000	273,031,000	291,954,000	289,189,000	+5,042,000	−27,411,000	+16,158,000	−2,765,000
Defense agencies	46,300,000	25,400,000	14,801,000	14,801,000	14,801,000	−31,499,000	−10,599,000		
Transfer not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)				
Military construction:									
Army National Guard	15,000,000	29,000,000	29,000,000	29,000,000	29,000,000	+14,000,000			
Air National Guard	8,000,000	10,600,000	10,600,000	10,600,000	10,600,000	+2,600,000			
Army Reserve	10,000,000	33,500,000	33,500,000	33,500,000	33,500,000	+23,500,000			
Naval Reserve	5,000,000	10,900,000	10,900,000	10,900,000	10,900,000	+5,900,000			
Air Force Reserve	4,000,000	5,700,000	6,581,000	5,700,000	6,581,000	+2,581,000	+881,000		+881,000
Total, military construction	996,688,000	1,306,900,000	1,159,453,000	1,186,937,000	1,188,387,000	+191,699,000	−118,513,000	+28,934,000	+1,450,000
Family housing, Defense	[3] 797,664,000	[4] 908,150,000	938,238,000	900,620,000	933,955,000	+136,291,000	+25,805,000	−4,283,000	+33,335,000
Portion applied to debt reduction	−90,278,000	−92,820,000	−92,820,000	−92,820,000	−92,820,000	−2,542,000			
Subtotal, family housing	707,386,000	815,330,000	845,418,000	807,800,000	841,135,000	+133,749,000	+25,805,000	−4,283,000	+33,335,000
Homeowners assistance, fund, Defense		7,575,000	7,575,000	7,575,000	7,575,000	+7,575,000			
Grand total, new budget (obligational) authority	1,704,074,000	2,129,805,000	2,012,446,000	2,002,312,000	2,037,097,000	+333,023,000	−92,708,000	+24,651,000	+34,785,000

[1] Excludes $325,200,000 for Safeguard construction.
[2] Excludes $172,500,000 for Safegurad construction not considered in bill.
[3] Excludes $8,800,000 for Safeguard family housing.
[4] Excludes $11,070,000 for Safeguard family housing not considered in bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. SIKES) has adequately explained this conference report.

The conferees agreed on the amounts which are essential for military construction for the services during the present fiscal year.

I have no further requests for time.

Mr. SIKES. Mr. Speaker, I yield such time as he may require to the distinguished gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Speaker, I should like to express my thanks and the thanks of the people of Brooklyn and of the civilian employees at the Brooklyn Army Base, to the distinguished gentleman from Florida (Mr. SIKES) and the distinguished gentleman from Michigan (Mr. CEDERBERG) and their fellow conferees for their successful action at the House-Senate conference with regard to denial of funds for the removal of the Brooklyn Army Base out of Brooklyn.

I should like to ask two questions.

First of all, do I understand correctly that the increase of the House figure—$437,274,000—for Military Construction, Army to the figure $438,316,000 agreed to by the conferees—a difference or increase of $1,042,000—is solely to provide for an airfield complex at Fort Campbell, Ky., in the amount $2 million and a weapons evaluation facility at Yuma Proving Ground, Ariz., in the amount $2,921,000, and for no other purpose?

Mr. SIKES. If my friend will yield, the answer is "yes."

Mr. ROONEY of New York. I thank the distinguished gentleman.

The second question is, do I further correctly understand that the House position denying the requested funds for projects at the military ocean terminal in New Jersey, administrative facilities for relocation of Department of Defense activities, in the amount $3,040,000 and an associated electric substation for $400,000, has been agreed to by the Senate and House conferees on this bill and in the pending conference report?

Mr. SIKES. If the gentleman will yield further, again the answer is "yes."

Mr. ROONEY of New York. I once again thank the distinguished gentleman from Florida and his colleagues.

Mr. WYMAN. Mr. Speaker, while $8 million is but a small part of a $2 billion bill, I regret that the House conferees saw fit to yield to the other body to permit an add-on of $8.1 million to construct a 55-bed hospital at Pease Air Force Base in my district. At my request this appropriation was rejected by the full House Appropriations Committee last month. It ought not to be included in this bill because it is extraordinarily wasteful of the taxpayers' money.

Within 4 miles of Pease Air Force Base there is an existing 189-bed naval hospital that is only 31-percent occupied. Need

more be said? In my district or not, I am not here to squander the public money.

I believe it constitutes a breach of faith with the taxpaying public to vote $8 million for a brandnew 55-bed hospital when an equivalent facility could be constructed for millions of dollars less at the Portsmouth Naval Hospital 4 miles away, where there is administrative and support facilities in being right now. Even if a 55-bed additional facility were to be physically added, the nurses quarters, officers quarters, administrative offices, messhalls—they are all there. Why build new ones at Pease?

If, in fact, a new 55-bed facility is really needed, which I seriously question, it can be provided at the Portsmouth Naval Hospital for a great deal less than $8 million. Nobody denies this, even the Air Force.

When this Nation is operating at a deficit approaching $30 billion a year; when labor is asked to hold off on wage increases; when management is asked to keep prices down—it amounts to an abdication of responsibility by this Congress to reasonably protect the public purse, to vote today to waste these added unnecessary millions.

The truth of the matter here is that the Air Force planned and budgeted for this facility at Pease at a time when the Portsmouth Naval Shipyard was under a closure order. Subsequently President Nixon canceled the closure order but neither the Air Force nor the Assistant Secretary of Defense for Installations and Logistics withdrew the request for the Pease hospital or would admit to the savings possible by restructuring facilities at the naval hospital.

It is in the overall interests of all military personnel, active and retired, and their dependents, that whatever structural additions may be necessary to upgrade the Portsmouth Naval Hospital to meet Air Force requirements should be undertaken at Portsmouth where there are 189 beds right now. On no theory is a 55-bed hospital at Pease adequate to serve the area, and adding a brandnew 55-bed hospital at Pease on top of an existing 189-bed hospital there already that is only 30.6-percent occupied, is patently unjustifiable.

It is most unfortunate that this situation should prevail because of insistence on acceding to Air Force requests by the other body. As a member of the Appropriations Committee and its Subcommittee on Defense, I want to make it clear that I want no part of such waste, that the House Appropriations Committee took this money out of the bill, and that I have voted in committee and shall vote today on this floor, against such unnecessary waste of tax dollars.

I do not rise to kill a needed benefit to my congressional district. I rise in behalf of a better way, at millions of dollars of savings, and in the best interests of tens of thousands of residents of the seacoast region of both New Hampshire and Maine. I oppose the brandnew hospital at Pease Air Force Base for reasons of economy and efficiency.

I would also observe the likelihood that construction of such a new hospital may well be a Trojan horse in disguise in relation to the future of the Portsmouth Naval Shipyard should anything happen to President Nixon, for with Pease Air Force Base having its own independent hospital facilities and no longer dependent on the Portsmouth Naval Hospital it is bound to be just that much easier for the enemies of the Portsmouth Naval Shipyard to press for a new closure order for the navy yard.

Essentially my opposition rests, however, not on this contingency, but with regard to the obvious waste of taxpayers money in building a brandnew 55-bed hospital and supporting facilities, 4 miles away from an existing 189-bed naval hospital that is only 31-percent occupied. This, to me, represents a scandalous indifference to the public interest.

Mr. SIKES. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 4, strike out "$437,274,000," and insert "$432,946,000,".

MOTION OFFERED BY MR. SIKES

Mr. SIKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: "$438,316,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the motion was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the matters discussed on the conference report on the military construction bill and to include certain statistical facts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE NATIONAL CANCER ATTACK ACT OF 1971

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11302) to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible, as amended.

The Clerk read as follows:

H.R. 11302

A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as "The National Cancer Attack Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that cancer is the disease most feared by Americans today;

(2) that new scientific leads, if comprehensively and energetically exploited, may significantly advance the time when more adequate preventive and therapeutic capabilities are available to cope with cancer;

(3) that cancer, heart, and lung disease and stroke are the leading causes of death in the United States;

(4) that the present state of our understanding of cancer, heart, and lung diseases and stroke is a consequence of broad advances across the full scope of the biomedical sciences;

(5) that in order to provide for the most effective attack on cancer it is important to use all of the biomedical resources of the National Institutes of Health, rather than the resources of a single Institute; and

(6) that the programs of the research institutes which comprise the National Institutes of Health have made it possible to bring into being the most productive scientific community centered upon health and disease that the world has even known.

(b) It is the purpose of this Act to enlarge the authorities of the National Cancer Institute and the National Institutes of Health in order to advance the national attack upon cancer.

NATIONAL CANCER ATTACK PROGRAM

SEC. 3. (a) Part A of title IV of the Public Health Service Act is amended by adding after section 406 the following new sections:

"NATIONAL CANCER ATTACK PROGRAM

"SEC. 407. (a) In his capacity as an Associate Director of the National Institutes of Health, the Director of the National Cancer Institute shall coordinate all of the activities of the National Institutes of Health relating to cancer with the National Cancer Attack Program.

"(b) In carrying out the National Cancer Attack Program, the Director of the National Cancer Institute shall:

"(1) With the advice of the National Cancer Advisory Council, plan and develop an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, related programs of the other research institutes, and other Federal and non-Federal programs.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise.

"(3) Encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research.

"(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country.

"(5) Establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials.

"(6) Support research in the cancer field outside the United States by highly qualified foreign nationals (where the Director determines that such support can reasonably be expected to inure to the benefit of the American people); support collaborative research involving American and foreign participants; and support the training of American scientists abroad and foreign scientists in the United States.

"(7) Support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professional personnel, for participation in clinical and basic research and treatment programs relating to cancer, including where appropriate the use of training stipends, fellowships, and career awards.

"(8) Call special meetings of the National Cancer Advisory Council at such times and in such places as the Director deems necessary in order to consult with, obtain advice from, or to secure the approval of projects, programs, or other actions to be undertaken without delay in order to gain maximum benefit from a new scientific or technical finding.

"(9)(A) Prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the National Cancer Attack Program, after opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the National Cancer Advisory Council; and (B) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute.

"(c) The National Cancer Advisory Council shall meet at the call of the Director of the National Cancer Institute or of such Council's Chairman, but not less than four times in each calendar year.

"(d)(1) There is hereby established the President's Cancer Attack Panel which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Attack Program. At least two of the members of the panel shall be distinguished scientists or physicians.

"(2)(A) Members shall be appointed for three-year terms, except that (i) in the case of two of the members first appointed, one shall be appointed for a term of one year and one shall be appointed for a term of two years, as designated by the President at the time of appointment, and (ii) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(B) The President shall designate one of the members to serve as Chairman for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel, and shall be allowed travel expenses (including a per diem allowance) under section 5703(b) of title 5, United States Code.

"(3) The Panel shall meet at the call of the Chairman but not less often than twelve times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the Chairman shall make such transcript available to the public.

"(4) The Panel shall monitor the development and execution of the National Cancer Attack Program under this section, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President annually an evaluation of the efficacy of the National Cancer Attack Program and suggestions for improvements, and shall submit such other reports as the President shall direct. At the request of the President, it shall submit for his consideration a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 408. (a) The Director of the National Cancer Institute is authorized to provide for the establishment of fifteen new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Such centers may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the National Cancer Institute, under policies, established by the Director of the National Institutes of Health and after consultation with the National Cancer Advisory Council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers (including, but not limited to, centers established under subsection (a)) for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 405), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training (including training for allied health professions personnel) and (4) demonstration purposes; but support under this subsection (other than support for construction) shall not exceed $5,000,000 per year per center. Support of a center under this section may be for a period of not to exceed three years and may be extended by the Director of the National Cancer Instiute for additional periods of not more than three years each, after review of the operations of such center by an appropriate scientific review group established by the Director of the National Cancer Institute.

"CANCER CONTROL PROGRAMS

"SEC. 409. (a) The Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the prevention, control, and eradication of cancer.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974.

"AUTHORITY OF DIRECTOR

"SEC. 410. The Director of the National Cancer Institute (after consultation with the National Cancer Advisory Council), in carrying out his functions in administering the National Cancer Attack Program and without regard to any other provision of this Act, is authorized—

"(1) if authorized by the National Cancer Advisory Council, to obtain the services of not more than fifty experts or consultants who have scientific or professional qualifications, in accordance with the provisions of section 3109 of title 5, United States Code (but any such expert or consultant may be appointed for a period in excess of one year);

"(2) to acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the National Cancer Institute for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(3) to appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

(5) to accept voluntary and uncompensated services;

"(6) to accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(7) to enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(8) to take necessary action to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"SCIENTIFIC REVIEW; REPORTS

"SEC. 410A. The Director of the National Cancer Institute shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (1) by utilizing, to the maximum extent possible, appropriate peer review groups established within the National Institutes of Health and composed principally of non-Federal scientists and other experts in the scientific and disease fields, and (2) when appropriate, by establishing, with the approval of the National Cancer Advisory Council and the Director of the National Institutes of Health, other formal peer review groups as may be required.

"(b) The Director of the National Cancer Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the National Cancer Advisory Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the national cancer attack program during the preceding calendar year and a plan for the program during the next five years.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 410B. For the purpose of carrying out this part (other than section 409), there are authorized to be appropriated $400,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; and $600,000,000 for the fiscal year ending June 30, 1974."

(b) Section 301(d) of the Public Health Service Act is amended by adding at the end thereof the following: *"Provided further*, That, under procedures approved by the Director of the National Institutes of Health, the Director of the National Cancer Institute may approve grants for research or training purposes—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit

but without requirement of review and approval by the National Cancer Advisory Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by such council."

REPORT TO CONGRESS

SEC. 4. (a) The President shall carry out a review of all administrative processes under which the national cancer attack program established under part A of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the program. Within one year of the date of enactment of this Act the President shall submit a report to Congress of the findings of such review and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

(b) The President shall request of the Congress without delay such additional appropriations (including increased authorizations) as are required to pursue immediately any development in the National Cancer Attack program requiring prompt and expeditious support and for which regularly appropriated funds are not available.

PRESIDENTIAL APPOINTMENT OF INSTITUTE'S DIRECTORS

SEC. 5. Title IV of the Public Health Service Act is amended by adding after part F the following new part:

"PART G—ADMINISTRATIVE PROVISIONS

"DIRECTORS OF INSTITUTES

"SEC. 454. The Director of the National Institutes of Health and the Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke shall be appointed by the President. The Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke are designated as Associate Directors of the National Institutes of Health, and shall report directly to the Director of the National Institutes of Health."

EFFECTIVE DATE

SEC. 6. (a) This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The first sentence of section 454 of the Public Health Service Act (added by section 5(a) of this Act) shall apply only with respect to appointments made after the effective date of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year the House passed House Concurrent Resolution 675 which expressed the unanimous sense of the Congress that the conquest of cancer is a national crusade, and stating that the Congress should appropriate the necessary funds so that the citizens of this land and other lands may be delivered from the greatest scourge in history. This bill is designed to carry through on the policies expressed in that concurrent resolution.

This bill results from 11 days of hearings before the Subcommittee on Public Health and Environment, followed by 4 days of subcommittee executive session consideration, and 2 days of executive session consideration by the full committee.

All issues involved in this legislation have been thoroughly considered and debated, and the bill was ordered reported to the House by a vote of 26 to 2. I hasten to add that the two votes against the bill reflected a disagreement over the method of achieving our objective, rather than any disagreement with the objective itself.

Mr. Speaker, we are unanimous in the Congress, and throughout this land that everything possible that can be done should be done to conquer cancer. This disease is the most feared of all diseases, although it ranks second as the leading cause of death. The very word "cancer" carries with it connotations which frighten each of us. It is a word that is often used as a synonym for something loathsome and vile. We want cancer conquered, and if it is possible to do so, we want it done at the very earliest possible date.

We believe that the bill now before the House will accomplish that objective.

Last year the Senate Committee on Labor and Public Welfare established a panel of consultants on the subject of cancer which submitted a report to that committee in November of 1970. The report summarizes the cancer problem, and makes a number of recommendations. Members will find in the report of this committee a summary of these recommendations made by the panel of consultants and the ways in which this bill carries out each of the recommendations. So far as I am aware, there is only one real difference between Members who support this bill in its entirety and those who propose alternatives, and this relates to the extent to which the new program will be administered separately from the National Institutes of Health. The issue is presented by amendments which were rejected by the committee overwhelmingly providing in substance that the director of the cancer attack program should report directly to the President.

The Senate bill states that the new cancer attack program shall be within the National Institutes of Health, but the remainder of the bill is inconsistent with this concept, since it provides complete authority for the director of the proposed new cancer authority, and provides that he report directly to the President.

The bill before us now provides independent budget authority, but otherwise keeps the program within the National Institutes of Health, and provides for the establishment of a three-member panel which would meet at least 12 times yearly to oversee the administration of the program. This panel will report directly to the President, and if at any time the panel discovers that there are any delays or blockages in the cancer attack program, they will call this problem immediately to the attention of the President.

Authorities in the field of cancer research have been somewhat divided on the question of whether the new emphasis on cancer should be administered within NIH or outside NIH, although in fairness I must say that it would appear that the majority of cancer researchers advocated the approach of the Senate bill, and the administration has expressed its support of the Senate bill. Virtually to a man, the remainder of the scientific community is opposed to the separation of the cancer program from NIH, and favors the approach contained in H.R. 11302.

The administration appears to have taken four different positions. At first they were opposed to any legislation; then they proposed their own bill; then they appeared before our committee and supported the Senate bill; and the last of their positions is support of the Senate bill with a substantial number of amendments adopted by the Subcommittee on Public Health and Environment.

Overall, the bill would enlarge the authorities of the National Cancer Institute; authorize the construction, and funding of the operation, of cancer research centers; and would reactivate cancer control programs which have been allowed to lapse in recent years. The bill contains mechanisms for expediting administrative procedures for the approval of grants, but retains the existing system of peer review of applications for scientific merit.

Mr. Speaker, as I mentioned, all the issues involved in the bill have been thoroughly considered and debated and discussed. The Subcommittee on Public Health and Environment was unanimous in recommending the bill to the full committee, and the full committee was overwhelmingly in support of the bill. I think the bill should pass the House unanimously.

Mr. Speaker, in my motion to suspend the rules, I have added amendments to the bill to delete the proposed section 410(2), as well as the amendments relating to the executive grade level of the Director, Deputy Director, and Associate Director of the National Institutes of Health. These are matters which are within the jurisdiction of the Post Office and Civil Service Committee, and are being deleted at the request of that committee.

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

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I would direct this question to the chairman and to the ranking minority member who will be handling the debate.

Since there are only 40 minutes of debate permitted under a suspension of the rules, I would like to know if the chairman and the ranking member are going to grant time, or would they grant time to the opposite side. If the leadership on both sides of the aisle are going to support the bill there would be no time whatsoever for the opposition to indicate the very severe differences between what was recommended by the panel of experts and by the President, and passed by the Senate as opposed to provisions contained in the House bill.

Mr. STAGGERS. I would say yes to the

gentleman, that with the exception of the subcommittee chairman, the gentleman from Florida, (Mr. ROGERS) the rest of the time that I have for allotment will be to those who are opposing the bill.

Mr. ADAMS. Can we have an indication on how much time that would be?

Mr. STAGGERS. That will be determined after I get through speaking. It depends on how much time we have left to divide up so that everyone will have time.

As I said, I do want the subcommittee chairman to have some time, then there are four others who want to speak on the bill.

Mr. ADAMS. Mr. Speaker, I would just ask the gentleman from Illinois (Mr. SPRINGER) if anyone on his side is going to oppose the bill and, if not, if some time could be allocated to the opposition?

This is not in any way a partisan matter, but there is a severe difference of opinion as to how to approach the problem.

Mr. SPRINGER. Mr. Speaker, I am indeed sorry, but at the time the gentleman from Washington spoke to me on the floor of the House I was under the mistaken impression that we would have 30 minutes on each side, and of course, since it is under a suspension of the rules, we only have 20 minutes allotted to each side.

All I can tell the gentleman is that I will try to be as short as I possibly can, and if I can yield time to him I will, but I have already allotted all of my time.

Mr. ADAMS. In other words, then, for those who are opposing the bill, so far as you know, their time will have to come out of whatever is left at the end on this side.

Mr. STAGGERS. We will try to be fair.

Mr. TIERNAN. Could I at this time, since the gentlemen have already indicated the allotment of time to members of the committee—could I make a request at this time that I be granted some time?

Mr. STAGGERS. The gentleman is already on the list.

Mr. TIERNAN. Thank you very much.

Mr. SPRINGER. Mr. Speaker, we have readjusted our time and I will yield 3 minutes to the gentleman from Washington (Mr. ADAMS) who may use it as he wishes.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, today we have an opportunity to cast our votes in favor of the most extensive and comprehensive attack on a single disease—cancer—ever launched in the history of this Nation.

Mr. Speaker, no disease is more insidious and more feared by our citizens today than is cancer. It is time for an all-out national effort against this dread disease.

Mr. Speaker, the National Cancer Attack Act of 1971 will do just that.

The bill, H.R. 11302, which is before you today is a product of careful and detailed consideration by our Subcommittee on Public Health and Environment. We listened carefully to over 50 witnesses from Government, medicine, and the scientific community and the public at large including the American Cancer Society and members of the National Panel of Consultants on the Conquest of Cancer over a 4-week period. We did not confine our hearings just to Washington. We also visited one of the Nation's great cancer research centers, the Roswell Park Memorial Institute in Buffalo, N.Y., to gain firsthand knowledge of our Nation's present research effort in a clinical setting.

I think it is important to note that the director of that great clinical center in New York is enthusiastically endorsing the bill before you today.

I want to commend each member of the subcommittee for the fine work they devoted to this bill which really is a composite work of all members of the subcommittee. I wish to commend each member—Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, and Mr. SCHMITZ—for his efforts. Each contributed individually to the molding of this legislation.

This bill comes to you from the subcommittee as a unanimous bill. There were but two votes against it in the full committee.

Mr. Speaker, this bill gives new vigor to cancer research through the establishment of a national cancer attack program which provides for an increased organizational efficiency for the National Cancer Institute within its present framework as part of the greatest biomedical research ever assembled in the history of mankind—the National Institutes of Health.

The bill streamlines the National Cancer Institute's administrative procedures. It protects the budget of the National Cancer Institute by providing that the Director of the NCI shall transmit his budget directly to the President without change, but with comment by, the Director of NIH and the Secretary of HEW.

It also states the goal and the commitment to funding at a specified level of money and not merely an open-ended authorization. We are saying to the American people that we commit ourselves in the fight against cancer to $400 million this year, $500 million next year, and $600 million the following year—$1½ billion over the next 3 years.

But this bill, contrary to the Senate bill, which some would espouse—not very many but some—does much more than simply improve the procedures of the National Cancer Institute and insure adequate funding. It actually reestablishes programs to help people—cancer control programs. It reestablishes programs such as the testing for early detection of breast cancer, cervical cancer, and oral cancer which were financially phased out a year ago. It also authorizes generous support of existing clinical research centers and the establishment of 15 new cancer research centers across this country.

Mr. Speaker, the bill provides for a three-man President's Cancer Attack Panel, whose duty it will be to monitor the development of the national cancer attack program and report directly to the President. This will enable direct oversight of the program by highly qualified individuals, who will meet at least 12 times a year, to evaluate the program and make suggestions for improvements, as well as to report directly to the President on any delays or blockages in rapid execution of the program. This approach was suggested by the subcommittee's ranking minority member, Mr. Nelsen and was readily agreed to by the subcommittee.

Mr. Speaker, a few months ago, Dr. Edward David, the President's distinguished science adviser, embraced the approach of retaining the Federal research effort within NIH which ultimately was to become a principal feature of the bill reported by our committee. Dr. David stated:

> Having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solution. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? . . . the Administration feels that the instrument for our campaign against cancer must be forged from and within the National Institutes of Health to assure the greatest chance of success.

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

Mr. ROGERS. I yield to the gentleman from Maine.

Mr. KYROS. Is it not true that throughout the hearings on the cancer bill and the discussions, the majority of the scientific and medical community in the United States gave overwhelming support to the measure before the House?

Mr. ROGERS. No question about it. The approach of the bill before you today is endorsed by on overwhelmingly united scientific and medical community. The president of the National Academy of Science, as well as the Academy of Medicine of the National Academy of Sciences, have stated strong support of this approach. Scores of national organizations, including the Americal Medical Association, the American Hospital Association, and the Association of American Medical Colleges, as well as practically every significant scientific body in the United States, supported the concept of maintaining the Federal cancer research effort within the NIH. Several recipients of the Nobel prize in medicine, including a Nobel laureate whose award was based on his treatment of cancer patients, expressed support of the approach contained in this bill. Heads of 72 medicine departments of medical schools throughout the country expressed approval of the committee's approach. Thirteen faculty of Harvard Medical School, each long associated in cancer research or the treatment of cancer patients, publicly supported the course of action contemplated in this bill.

The committee has presented to the

House a bill which constitutes a balanced innovative approach which was conceived after rational study and close scrutiny by the hard-working members serving on the subcommittee. It is our firm belief—and a unanimous one—that the National Cancer Attack Act will invigorate the best of biomedical science toward finding solutions to a complex and devastating disease. Our citizens deserve assurance that every opportunity to overcome the torments of cancer will be provided. This bill insures such opportunity. I urge my colleagues to pass it overwhelmingly.

Mr. SPRINGER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it has been shown that cancer is the disease most feared in the United States today. Of the 200 million Americans now alive, 50 million will develop cancer at present rates of incidence and 34 million will die of this painful and often ugly disease if better methods of prevention and treatment are not discovered. Cancer deaths last year were eight times the number of lives lost in 6 years in Vietnam, five and one-half times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II.

Progress across the broad front of biomedical science has opened up new avenues of scientific inquiry into the phenomena of malignancy. These leads, if comprehensively and energetically pursued, could substantially enlarge our limited understanding of this disease process and thus advance our preventive and therapeutic capability.

The question as to how we might best undertake an effort of this magnitude has been the subject of much discussion and debate. The approach of the Senate was to establish a conquest of cancer agency which would be, for all practical purposes, completely independent and outside of the National Institutes of Health. This approach troubled a great number of distinguished members of the scientific and biomedical research community, and many of them voiced their concerns in hearings before the Subcommittee on Public Health and Environment.

The nature of cancer, we are told, is deeply embedded in the most elemental life processes and is an obscure and complex part of the life cycle. Major progress in the conquest of cancer is, in the final analysis, dependent upon greater understanding of the basic life cell and its response to both internal and external forces.

It is important to realize that the new leads which seem to offer promise for advances in cancer have emerged in scientific fields which, at the time, were far removed from the mainstream of scientific effort in cancer. These scientific achievements came in the fields of virology, immunology, genetics, and cell biology. No one can predict with certainty the fields from which will come the findings that will provide further insights into the nature of cancer. A greater scientific attack upon cancer must be in a setting which assures the closest relationship to the broad array of biomedical research concerned with the nature of life and disease.

It was feared that the Senate approach of an independent agency would separate cancer research and other biomedical research to such an extent that the total effort would be fragmented rather than enhanced.

Our bill provides for independent budget authority but otherwise keeps the effort within the National Cancer Institute of the National Institutes of Health and enlarges its authorities. To insure that the effort is expanded and moves ahead as expeditiously as this bill envisions, there is provided a mechanism whereby the power of the Office of the President can be asserted in various situations if needed. This is accomplished in the bill by providing for a three-member panel to oversee the administration of the program. This panel will report directly to the President, and if at any time the panel discovers that there are any delays or blockages in the cancer attack program, it will immediately alert the President to the problem.

It is my sincere judgment, and the judgment of the overwhelming majority of my colleagues on the committee, that the approach to the cancer problem offered by this bill is the proper approach and one that will hasten the day when this dread disease can be conquered. I strongly urge unanimous passage of this extremely important bill.

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

Mr. SPRINGER. I yield only for a question.

Mr. TIERNAN. Is it not true the President approved the Senate bill as passed?

Mr. SPRINGER. He approves this bill.

Mr. TIERNAN. But the President also approves the Senate bill.

Mr. SPRINGER. I said the President approves this bill.

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

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, my question is: Does the President prefer this bill, or does he accept it?

Mr. SPRINGER. All he said was that is a good bill, and he approves it.

Mr. PICKLE. I think there is a great deal of difference.

Mr. SPRINGER. Mr. Speaker, I yield at this time for a unanimous-consent request by a member of the committee. the gentleman from Montana.

(Mr. SHOUP asked and was given permission to extend his remarks at this point in the RECORD).

Mr. SHOUP. Mr. Speaker, cancer is an 89-cent problem in America. That is what we have been spending on cancer research in this country for every man, woman, and child, less than the cost of a necktie or a pair of women's pantyhose. It is not much. In fact it is very little when compared to our $410 per capita expenditure in 1969 for defense, $125 for every person in this country for running the Vietnam war, and $19 each for foreign aid and the space program.

Saving lives should be our greatest accomplishment, yet the 1969 per capita expenditure for maintaining and utilizing our ability to flex military muscle across the sea was $125. Over 100 times more money was spent on foreign escapades of dubious value than was spent to combat the most feared family of diseases in this country. The paltry expenditure of 89 cents on a per capita basis is a national disgrace.

The fear of cancer in America is very well founded. Within the next year, one of every 25 Americans will develop cancer and over half of those will die. Of those dying 50 percent will be under 65 years of age, relatively young people in our society. In fact with the truly young, cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it our second greatest killer, second only to heart disease.

While the public outcry against senseless death has been so resolutely focused on the casualties of the Vietnam war, few have marched down the streets of America demonstrating against a casualty list 18 times greater than the last 6 years of Vietnam casualties combined. Five and one-half times the number of people killed in car wrecks last year, died of cancer. More Americans were killed by cancer just last year than died during 4 bloody years of World War II.

The death bell of cancer continues to toll unimpinged by our puny efforts. John Donne's words ring terribly true for cancer today:

> Ask not for whom the bell tolls, it tolls for thee.

I dare say not a single American exists who has not been touched by cancer in some way. But despite the depth of the problem, despite the vast killing effect it has had on our society, we spent less than one four-hundredths as much last year for finding a way to successfully treat cancer than we spent to maintain our complex national defense combine, cost overrides and all.

What is more frightening, is the fact that the incidence of cancer is increasing. Not only are there a great number of Americans reaching more advanced ages, but also because of the sharp increase in lung cancer, polluted air and self-pollution from cigarette smoking, our susceptibility is on the rise. It is estimated that if the American people stop smoking cigarettes, that alone would eliminate about 15 percent of all cancer deaths. We know that human cancer is caused by certain chemicals, by certain types of radiation, and probably by viruses. But the true nature of cancer is not yet fully known. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization as in the case of polio. Factually speaking cancer is comprised of many diseases and it results from a variety of causes that will have to be dealt with in a variety of ways.

As our knowledge is expanded more and more members of the cancer family will become preventable. The cure rate for cancer in general is gradually improving. In 1930, only about 1 case in 5 was curable. Today we cure 1 case in 3. It is estimated that the cure rate could be brought close to 1 in 2 by better application of knowledge which exists today.

There are three methods for curing cancer today including surgery, radiation therapy, and chemotherapy. Some types

of cancer are far more curable than others; however, it is still true that those cancers which disseminate rapidly are seldom curable today. This represents a major gap in our existing knowledge. There have been major advances in the fundamental knowledge of cancer in the past decade. These advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. Some of these areas of special promise are: First, the identification of the factors that cause cancer; second, viruses causing cancer; third, cell and tumor biology; fourth, immunology or the host resistance against cancer; fifth, epitomology or the variables in cancer incidence; sixth, cancer preventative measures; seventh, improved diagnosis; eighth, chemotherapy or the use of drug techniques; ninth, radiotherapy and; 10th, surgery.

I am convinced that we are on the verge of a significant breakthrough in the control of cancer. But to really be effective we must exploit the great opportunities which are presented as a result of recent advances. To implement such a program we must have first, an administration with clearly defined authority. Second, a comprehensive national plan for attack is badly needed, and third, the financial resources have to be readily available. H.R. 11302 is designed to fulfill these three requirements.

The National Cancer Institute is identified and given greater stature with its Director given the title of Associate Director in the National Institutes of Health. It cuts the redtape surrounding the granting assessment of grants. The budget as prepared by the National Cancer Institute shall be sent directly to the President with comments only by the National Institutes of Health and the Secretary of Health, Education, and Welfare. A three-man oversight panel shall be appointed to oversee the National Cancer Institute and to report directly to the President. A national plan of attack is spelled out specifically within the bill. Critical research centers will be increased in number by 15 and cancer control programs which were phased out a year ago will be reactivated and expanded on the budget proposed in the bill, $1.59 billion for 3 years.

Recognition of problems and compassion for the victims of cancer is indeed commendable, but only an honest commitment of resources and finances can make possible the real conquest of cancer. Lest there be some misunderstanding, I would hasten to state that I am not under the illusion that the expenditure of money, even massive amounts of it, will automatically cure cancer or anything else. But it is my contention that by making finances and resources available over a broader spectrum, to include within this conquest a greater number of the scientific community, the greater chance we will have to identify, or perhaps stumble upon, the answers to our cancer problem. Quite contrary to the views of many, I am convinced that this action, as proposed in this bill, will present a more effective program through strengthening the National Institutes of Health than it would by the creation of a separate entity dedicated and directed toward the matter of cancer and cancer alone.

Mr. Speaker, I urge my colleagues to support H.R. 11302.

Mr. SPRINGER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. NELSEN) the ranking Republican member on the subcommittee.

Mr. NELSEN. Mr. Speaker, I am extremely proud to have had a hand in the development of H.R. 11302, the National Cancer Attack Act of 1971, both in the Public Health and Environment Subcommitte, which drafted it, as well as in our full Interstate and Foreign Commerce Committee, which gave it an overwhelming vote of approval.

We anticipate that the House of Representatives will give it similar strong support, because it is, indeed, one of the most important single pieces of legislation to be considered by Congress in this session. Its urgent need is underscored by the fact that the dread disease, cancer, is today the Nation's second largest killer. Its victims run into millions of citizens, many of whom die in great anguish and suffering.

Several colleagues on our Public Health Subcommittee joined me in filing additional views in the report accompanying this bill to the House floor. Since these views sum up my own so well, I take the liberty of pointing them out at this point in my remarks:

While we concur in the committee report which is an excellent presentation of the purposes and details of the Cancer Attack bill as developed in our Subcommittee on Public Health and Environment, we would like to add our comments concerning those provisions of our bill having to do with the authority of the President over the cancer research program.

President Nixon in presenting his national health strategy outlined a bold and necessary program to deal with cancer research. Many of those who testified on the legislation before our subcommittee felt the President's declared desire to have a direct line of authority over the cancer program should be provided so that he could effectively monitor the efforts of the National Cancer Institute. Many also felt it would be unwise to separate the cancer agency from the National Institutes of Health, fearing fragmentation of cancer research might result.

To meet the goals expressed by President Nixon, H.R. 11302 provides that he appoint an Associate Director of the National Institutes of Health who will serve as Director of the National Cancer Institute. It also provides that the President appoint a three-man cancer attack panel to give him the muscle he needs to assure an effective and accelerated cancer research program. This panel will provide a direct channel of communication between the President and the Director of the National Cancer Institute and will act as overseers to monitor the development and execution of the national cancer attack. This panel will submit to the President an annual report evaluating the efficacy of the program and provide him with suggestions for improvements.

The budget of the National Cancer Institute as developed by the administration will be sent directly to the President for his approval as to the adequacy of funds to meet his program objectives.

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

Mr. NELSEN. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, is it not true that the President of the United States requested a separate agency, the panel recommended a separate agency, the Secretary of Health, Education, and Welfare said he wanted a separate agency, and the Senate passed a bill carrying out these recommendations 79 to 1, and this bill is going to run into that directly if we pass it today?

Mr. NELSEN. I do not agree with the gentleman's conclusion.

The bill before us is not the bill we started with. Many amendments were added that moved to accommodate some of the objectives outlined in the Senate bill. It is my understanding that the Secretary preferred the Senate bill but found that the House bill as amended would give the President the tools that he needs.

Mr. ADAMS. I will read to the gentleman this quote and ask if this is not true: On November 3, to Chairman STAGGERS, Secretary Richardson said:

This Department * * * strongly supports expansion of the national effort to conquer cancer and therefore urges adoption of the provisions of S. 1828—

Which we would offer as a substitute—

in lieu of H.R. 10681—

Which is your bill—

which, we believe, provides the best means to accomplish this task.

There is a clear issue here. Either we are going to go with your bill or with what everybody else has recommended.

Mr. NELSEN. This bill will accommodate what the President wants. I am sure that the President will accept it.

Mr. SPRINGER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky, a member of the subcommitee, who has taken an active part in this.

Mr. CARTER. Mr. Speaker, we have before us today for consideration H.R. 11302, the so-called National Cancer Attack Act of 1971. Fifty-one million people living in the United States today can expect to suffer from one form of cancer or another. Approximately 34 million will die of cancer unless we discover a way to contain, control, or cure this disease.

For approximately 8 years it has been thought that breakthroughs in research and treatment of certain cancerous conditions resulting in cures would be made shortly. We have waited these 8 years without such breakthroughs. It has become apparent that a new concentrated attack by men skilled in detection and treatment of cancer should be made.

At the present time, there are six cancer treatment centers within the United States. These clinics are composed of the finest and most dedicated men in research, diagnosis and treatment of this dreadful disease.

No disease alarms the public as much as cancer. To concentrate the efforts of the most knowledgeable men in the cancer field, it is necessary that we today enact this National Cancer Attack Act of 1971.

Although no complete breakthroughs have been made, much improvement in detection and treatment has been accomplished.

Birkitt's tumor, a cancerous condition

occurring in certain portions of Africa, is now amenable to treatment.

Acute leukemia, which resulted in death in younger patients within a year, is now subject to better control.

Hodgkin's disease, for which at one time there was no cure, can be controlled in a large percentage of the cases which occur.

To assist in carrying out a new cancer study and to formulate the steps necessary for conquest of cancer, a panel of consultants composed of 13 eminent laymen and 13 knowledgeable scientists was appointed. These men, by and large, agreed that a new and more amply funded cancer institute should be formed and that the head of the National Cancer Institute should report directly to and be responsible to the President for direction of a greatly expanded and revitalized cancer program.

There was much discussion in the subcommittee concerning the Senate bill and H.R. 11302. The present bill, H.R. 11302, does not fully comply with the recommendations of the panel of consultants. However, it does require the appointment of a Director of the National Cancer Institute who will also be a Deputy Director of the National Institutes of Health, and who will report to the President concerning budgetary requirements. The Director of the National Institutes of Health and the Secretary of Health, Education, and Welfare have the right to comment but not to change such budgetary requests as he may make.

This compromise was arrived at after much discussion and debate. I submit that this compromise will give the Director of the National Cancer Institute the power he needs to effectively obtain the funds necessary to administer the cancer program.

He will receive assistance from the National Cancer Advisory Council, which is composed of the Surgeon General, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, and 12 members appointed by the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare. These men should be leaders in the fundamental sciences, medical sciences, and public affairs. Six of the 12 must be outstanding in the study and treatment of cancer. The National Cancer Advisory Council shall meet at the call of the Director of the National Cancer Institute, or of such Council's chairman, but not less than four times a year.

Under section 407, subsection (D)(1), there is established the President's cancer attack panel which shall be composed of three persons appointed by the President, who, by virtue of their training, experience, and background are exceptionally qualified to evaluate the national cancer attack program. At least two of the members of the panel shall be distinguished scientists or physicians.

One member shall be designated as chairman by the President. This panel shall meet not less than 12 times a year. The panel shall monitor the development and execution of the national cancer attack program and report directly to the President. Any delay in the execution of the program shall be brought to the attention of the President.

Under section 3, subsection 408(a), the Director of the National Cancer Institute is authorized to provide for the establishment of 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer.

The Director of the National Cancer Institute, under policies established by the Director of the National Institutes of Health, and, after consultation with the National Cancer Advisory Council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Federal payments under this subsection in support of such cooperative agreements may be used for construction, staffing and other basic operating costs, including such patient care costs as are required for research, training and demonstration purposes, but support under this subsection—other than support for construction—shall not exceed $5,000,000 per year per center.

Under section 3, subsection 409, it is provided that the Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the prevention, detection, control, and eradication of cancer.

There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974.

By means of such programs established, chest X-rays for detection of lung cancer, pap smears, and other means of early detection of cancer will be provided for at State and local levels. For instance, a test is in the process of development which will permit detection of lung cancer from concentrated specimens of sputum. This test would permit lung cancer detection long before it was visible on a chest film.

This is money well spent. X-ray programs and papanicolau smear tests have resulted in early diagnosis of many cancerous conditions and provided the basis for cures. This is probably one of the basic reasons why cures have increased from 1 in 5 in the past few years to 1 in 3.

Under subsection 410 of section 3 of this bill, the Director of the National Cancer Institute is empowered to obtain the services of no more than 50 experts or consultants who have scientific or professional qualifications. The appointment of 50 distinguished young scientists to revitalize the National Cancer Institute is a consummation devoutly to be wished. It is necessary to introduce new blood into the National Cancer Institute. Every agency or bureau of the Federal Government needs a cleansing and a transfusion of new blood every few years, just as the Veterans' Administration did after World War II.

Under subsection 410B, of section 3, for the purpose of carrying out this part of the act, there is authorized to be appropriated $400,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973, and $600,000,000 for the fiscal year ending June 30, 1974.

This brings the total sum to be authorized to $1,590,000.

The Director of the National Cancer Institute can approve grants of as much as $35,000 without requirement of review and approval of the National Cancer Advisory Council. This is helpful. However, in amounts exceeding $35,000, appropriate review by the National Cancer Advisory Council is required. The Director of the Cancer Institute can give immediate assistance to those programs which show promise of early breakthroughs, improved methods of detection, prevention, or treatment. Such assistance previously has not been possible.

Under subsection 4(a) of section 3, within 1 year of the date of the enactment of this act, the President shall submit a report to Congress of the findings of his review of the administrative processes under this program and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

By and large, this is an effective piece of legislation, and should result in well-directed, coordinated, dedicated efforts to eradicate this most dreadful of diseases.

Mr. ROY. Will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman.

Mr. ROY. Thank you very much for yielding.

I wish to associate myself with the remarks of my distinguished colleague (Mr. CARTER) in support of this bill.

I am sure that both he and I went into these hearings without any predetermined idea. We worked on it very carefully and both formally and informally discussed the matter with a large number of scientists and physicians. We feel that the House bill achieves that which is necessary to have a national attack on cancer succeed.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. CARTER. I yield to the gentleman.

Mr. ADAMS. This bill's fundamental difference is there is no direct line to the President in the House bill whereas there is in the Senate and there was in the panel recommendations. Is that not correct?

Mr. CARTER. For all practical purposes there is a direct line in that there is a cancer attack panel of three men to whom the Director of the Cancer Institute can report.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. CARTER. It goes directly to this panel and is relayed to the President. So it is all right. It is a good compromise.

Mr. ADAMS. It is really a compromise.

Mr. CARTER. And he can go directly to the President for his budgetary requests.

Mr. GUDE. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. GUDE. I thank the gentleman for yielding.

It seems to me the fact that the Director would be appointed by the President indicates that we are injecting politics into a matter which should be a medical-professional operation. Is that not correct? Is that the conclusion that the committee came to?

Mr. CARTER. I do not think there will be any political considerations whatever in this case. No President would appoint a person to such a panel for a political reason.

Mr. GUDE. I mean the appointment of the Director by the President, whereby he would be reporting directly to the President. In other words, I am concerned over the precedent that would be set by making the director of the program a Presidential appointee as this tends to imply that the program, while at NIH, is basically a policy rather than a scientific function and, therefore, a matter for political determination.

Furthermore, since the agency's budget may eventually exceed that of NIH, such an arrangement would introduce competitive lines of communication and command. The outcome of such a scheme would be disastrous—its potential for undermining the scientific integrity of NIH and the authority of its Director seems inescapable. What I want to stress is that instead of fragmenting our work to date, the national cancer attack program will build upon the existing strengths of the National Cancer Institute which I believe is the best and most expedient means to our goal. I hope I have made myself clear.

Mr. CARTER. What it does is make the channels more direct between the President and the National Cancer Institute, and that is exactly what we wanted.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. ADAMS), a member of the committee.

Mr. SPRINGER. Mr. Speaker, I will yield 3 additional minutes to the gentleman from Washington if he will allot that time.

Mr. ADAMS. Does the gentleman from Rhode Island have any time? If not, I will yield the gentleman from Rhode Island 1 minute of that time, if I might, which will leave me, as I understand it, with 4 minutes.

Mr. SPRINGER. Mr. Speaker, I yield the gentleman from Washington 2 minutes only.

Mr. ADAMS. And you will yield 1 minute to the gentleman from Rhode Island, so I will have 1.

The SPEAKER pro tempore. The gentleman is recognized for 2 additional minutes, or 3 minutes.

Mr. ADAMS. I thank the Chair.

Mr. Speaker, I would simply say to the House that we cannot possibly have a debate under these circumstances, and no one who is going to vote one way or another on this is going to be accused of being for or against cancer. That is ridiculous.

The Senate and House bill approaches, however, are completely different. The President of the United States came to this House and to the Senate and said he wanted a separate agency based upon the recommendations of a special panel that has worked on this problem for months. That panel included doctors and scientists as well as prominent lay people. The panel recommendations in a bill went first to the Senate and a compromise was made there to keep the agency within the National Institutes of Health but at the same time to have direct authority to go to the President. That is the cancer bill.

This bill before the House today is simply an NIH reorganization bill.

The President said he wanted direct authority, and he does not have it in this bill. This issue involves Government organization. It is very much organizational, and it should be determined in this House. When one says that everybody in the medical and scientific community is in agreement on this bill, that is nonsense. The medical and scientific community are split, and I will tell you how it is split.

Mr. Speaker, the medical community is split as to how to best approach this problem. Those who treat cancer and are involved in clinical research favor the bill, S. 1828, and if we come before this House under a rule, I would offer that bill as a substitute.

Mr. ROGERS. Mr. Speaker, will the gentleman yield? I am sure the gentleman does not want to leave the wrong impression.

Mr. ADAMS. I am giving the impression that I got from talking with the various parties concerned.

Mr. ROGERS. Well, it is my opinion that the gentleman's impression is incorrect.

Mr. ADAMS. Mr. Speaker, the biomedical community wants to keep things as they are. The subcommittee attempted to make a further compromise on S. 1828, and I think the gentleman will agree with me as to what that compromise is. It states that the Director of the Cancer Agency will not report to the President but to the Director of the National Institutes of Health.

The second thing that will happen is in the budgeting authority. Under the Senate-passed bill the budget goes directly to the President of the United States and the Office of Management and Budget, like any other independent agency, and money is allocated back in similar fashion.

In this bill, however, there are comments on the budget to be made by the National Institutes of Health and by the Department of Health, Education, and Welfare as the budget proposal progresses, and if you know the system, you know that when someone comments, it can sit on their desk for a long period of time of they oppose it.

Mr. Speaker, I know that the gentleman from Kentucky (Mr. CARTER), and the gentleman from Kansas (Mr. ROY) and many others have spent a great deal of time and hard work on this bill, but let us not kid ourselves that this is a noncontroversial bill. It is controversial not in terms of attacking cancer, but in terms of what should be done. You will have the Senate-passed bill, a bill which was passed by a vote of 79 to 1, that includes what the President of the United States proposed, or you are going to have a different bill which elevates a number of institutes within the National Institutes of Health and is in effect, just a reorganization of the National Institutes of Health.

So, Mr. Speaker, I hope we will vote down the bill.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island, a member of the subcommittee (Mr. TIERNAN).

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Rhode Island I minute.

Mr. TIERNAN. Mr. Speaker, I want to take this opportunity to thank both the ranking minority member of the committee and the distinguished chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS), for giving me this time.

I do want to say that the chairman of the subcommittee and the members of the committee have worked very hard to come out with legislation that is needed in this field of great urgency.

However, I think the Members of the House should have in mind what is really happening.

The panel that was appointed under the Senate resolution made specific recommendations as to how we were going to find the cure for cancer in the seventies as the President of the United States has said. The recommendation by that panel was that the Cancer Institute be made an independent agency directly under the President of the United States and that the funds for that agency would be directly appropriated by the President and that these funds would not be transferred to the Director of the National Institutes of Health.

Mr. Speaker, the Senate made a slight compromise in that request because there was some opposition to the bill in the Senate. What they did was to keep the Institute for Cancer within the structure of the National Institutes of Health. They kept it there but they said that it would be under the direct control of the President of the United States so that the President could achieve the cure for cancer in the seventies, or if he did not, we would know why he did not do that. That was the compromise that was struck in the Senate in order to meet these conflicting interests of the National Institutes of Health and what the President of the United States wants.

I tried to get out of the ranking minority member the fact that the President wanted the Senate bill. So now, what has happened?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. STAGGERS. Mr. Speaker, I yield 1 additional minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, as a member of the Commerce Committee, I supported H.R. 11302 on final passage in the committee. However, before I voted for this bill, I voted for the amendments to this legislation which were defeated. I also voted to sub-

stitute the Senate bill for H.R. 11302. The House committee bill is a good bill, but I don't think it goes far enough fast enough. It is regretted that this bill comes before us today on suspension calendar where we can neither amend nor substitute.

Everybody is against cancer—the argument is how to fight it, how to direct the attack, how to either rearrange the present machinery or build another mechanism for carrying out the fight.

I submit that the American public does not care so much about the "how" of our legislation; I submit that the American people want to know about the "when."

It is clear to me that we need to get away from some of the fancy reasons and get down to a basic decision. The question before us is clear. The scientific community is split on the "how."

Reflecting on one side of the split, the Senate version would create an independent agency within the National Institutes of Health and would have the Director report to the President. Some of us on the committee voted for this Senate version, which I had originally cosponsored.

On the other side of the argument, the House version requires the Director to report to the Director of the National Institutes of Health. The House version also creates a Cancer Attack Panel, which is designed to be a buffer of consultants who report to the President on various activities of the National Cancer Institute.

In an attempt to heal the breach, I offered an amendment in committee that was neither bold nor imaginative—the main thing that I can say for it is that it makes sense. The amendment I offered would do both.

The amendment I offered in committee and had intended to offer during floor debate would keep the cancer work within the framework of the National Institutes of Health but would give the President the flexibility to require the Director to report directly to the White House, if needed. I think this amendment keeps the best of both measures.

The amendment I planned to offer reads as follows:

On page 14, line 16, after the word "and" insert the following: "except to the extent that the President may from time to time otherwise direct."

I think this is a blending of the two aproaches now being offered in the House and Senate. Both approaches have a great deal of merit.

My amendment had the general support of the administration, the American Cancer Society, the panel of cancer consultants appointed by the Senate Labor and Public Welfare Committee to recommend the best approach in fighting this insidious disease, the Secretary of HEW, and of the cancer hospitals and clinics in the United States.

Let us back up and restate both basic positions in straightforward terms. The Senate version, in effect, would create an independent agency within the National Institutes of Health with the Director required to report to the President. The House committee version would require the Director to report to the Director of the National Institutes of Health, and also would create a cancer attack panel which is supposed to be a buffer consultant group which would report to the President on the activities of the National Cancer Institute.

The House version recognizes the merit of 33 years of research already on the books at NIH. In the last three decades, the Government scientists have served up good—and dramatic—breakthroughs in finding the cause and cure of many diseases. Our scientists have developed data which private research has assimilated and amplified along the same lines.

But the fact remains—the progress on cancer has been painfully slow. The movement at times has been barely discernible. Yet we know that cancer is the one disease most feared by the American public.

It was this fear, this cry for help, this indignation over delay, which prompted the President to make his pledge to pump new money, new initiative, and new priorities into the search for the illusive cure.

I am neither pointing nor wagging a finger at anyone. Instead, I am trying to put into words the great restlessness, the great uneasiness that pervades our Nation. Let us bring cancer out of the shadows. Let us find a cure. Let us settle this procedural question and give the scientists the money they need so they can more efficiently get to work.

I regret, Members of the House, that the committee did not adopt an amendment that I had offered in committee which I had hoped would have been a compromise between the Senate and the House versions. It would have changed the language to read that the Director of the National Cancer Institute would report to the NIH "except to the extent that the President may from time to time otherwise direct."

I think that would have kept the major thrust in the NIH, but still would allow the President to step in and give some direction. As it is, the President has no real direction except perhaps either through the budget or the cancer attack panel. The question is, Is that control? I submit to you that is not control because the cancer attack panel is a sort of a floating committee that has no authority other than to run to the President and tell him what has happened. One member of the committee said that this ought to be called the "floating cancer" bill, because the cancer attack panel is floating off in the medical ozone, and has no power except to run to the President and sort of tattletale to him, and say "We think this is something you ought to know."

There is little communication. It is telephone line communication; that is about all. I wish we could have combined both the versions of the House and the Senate, and I think if we had started a little earlier before commitments had been made, that this probably could have been brought about because both the House and the Senate versions are very, very fine legislative bills, and they should both be commended for the work they have done on field.

But I submit to you the hope, as this bill goes to conference, that they will give consideration to the language I suggest, that says that the Director of the National Cancer Institute would report directly to the NIH "except to the extent that the President may from time to time otherwise direct." That is a good and sensible compromise. If that language was adopted, the fight would be over.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Speaker, the question has been raised as to whether the President actually supports this proposal and is in favor of this proposal.

I would like to read into the RECORD from a release from the White House of May 11, 1971, when the President gave his national health message, and this was prior to the passage of the Senate of their bill, and prior to the House giving consideration to the cancer bill.

The President said:

In the past the National Institutes of Health have had considerable success in fostering coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a cancer cure program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research.

The President, unfortunately, in consideration of the Senate bill did not have the advantage of knowing that this House would come up with this superior piece of legislation—and in fact that is what this House of Representatives has done.

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

Mr. HASTINGS. I cannot yield to the gentleman from Washington, since I do not have time to do so, and the gentleman knows that I gave him 3 minutes of my time.

The House at this time should support the House of Representatives in the position it has taken in this matter over the Senate version, because I believe that a compromise has been assured.

I have received telegrams from many medical and scientific groups in my State of New York who say that the time has come to pass the best bill available, and that is the compromise version that the House has brought out.

I might point out that the New York Times and the Washington Post—newspapers I do not always agree with, and they do not always agree with my position—and many other major newspapers in the United States support the approach taken by the House in the cancer attack legislation.

I believe that without any hesitation it can be said that this bill is in fact the best compromise possible after many, many months of work, and it should receive the unanimous support of the House of Representatives.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

(Mr. PEPPER asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am no enemy of the National Cancer Institute because I was one of the cosponsors of the bill in 1937 setting up that Institute.

However, I would prefer the bill passed by the Senate and supported by the administration, and I introduced that bill in the House. However, I do feel this committee and the subcommittee headed by my able friend, chairman of the Health Subcommittee, the gentleman from Florida (Mr. ROGERS) have approached to a large degree the course that it is necessary to take in order to eliminate three weaknesses of the National Cancer Institute in the past:

First, the lack of adequate money;

Second, the business-as-usual bureaucratic approach to the program, and

Third, the lack of adequate and effective direction and coordination at the top.

Mr. Speaker, I hope that further progress can still be made in conference on this bill and if we do not achieve a determined and effective campaign against this terrible killer, cancer, this committee will produce additional and amending legislation next year which will exert the full effort of this Nation to find the cause and cure of cancer.

Mr. Speaker, one of the inadequacies of the National Cancer Institute which has in my opinion diminished the success of the Institute has been the lack of funds sufficient to meet the challenge of this complex and awful disease.

As I said, I was one of the authors of the bill adopted in 1937 to set up the National Cancer Institute.

Thereafter, the appropriations for the fiscal years following were as follows:

1938	$400,000
1939	400,000
1940	570,000
1941	570,000
1942	565,000
1943	535,000
1944	530,000
1945	561,000
1946	549,000

On January 8, 1947, I introduced in the Senate S. 93, which is described in the Digest of General Public Bills as a bill:

To authorize and request the President to undertake to mobilize at some convenient place or places in the United States an adequate number of the world's outstanding experts and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

I, as chairman of a subcommittee of the Senate Education and Labor Committee, held lengthy hearings on S. 93 in which some of the outstanding authorities of the country appeared in behalf of my bill—which was cointroduced in the House by former Senator M. M. Neely. Due to our combined efforts to bring to the consciousness of the Congress and the country the momentous challenge of cancer, we obtained an appropriation for fiscal 1947 of $1,821,000 for cancer research.

Under the impetus of all the efforts made to try to mount a meaningful and effective campaign against cancer, the Congress almost without exception provided an increasing amount in each succeeding budget to fight cancer. The appropriations for the fiscal years 1948 through 1972 were as follows:

1948	$14,500,000
1949	14,000,000
1950	18,900,000
1951	20,086,000
1952	19,657,000
1953	17,887,000
1954	20,237,000
1955	21,737,000
1956	24,978,000
1957	48,432,000
1958	56,402,000
1959	75,268,000
1960	91,257,000
1961	111,000,000
1962	142,836,000
1963	155,742,000
1964	144,340,000
1965	150,011,000
1966	163,768,000
1967	175,656,000
1968	183,356,000
1969	185,149,000
1970	190,362,500
1971	230,383,000
1972	337,531,000

(This includes the $100 million requested by the President and provided by Second Supplemental for 1971)

All these appropriations add up to the figure of $2,619,976,220.

This is a lot of money, but, Mr. Speaker, that amount of money covers the period from 1937 through 1972, a period of 35 years. I ask the question: If we had done more beginning in 1938 and each year thereafter than we did, might we not be nearer to finding the cause and cure of cancer than we are today? And might not many lives which have been tragically and terribly lost in those intervening years have been saved?

The reason we have not had more adequate funds during all those intervening years is partially due to the procedure which has had to be followed in order to get funds. The Director of the National Cancer Institute had to submit his budget to the National Institutes of Health which had to evaluate the cancer request with all the other competing claims on the NIH. When the Director of the National Institutes of Health settled upon a figure which he could recommend, then the matter had to go to the Department of Health, Education, and Welfare, or the comparable department. And again the claim funds for research in cancer had to meet the competition of all the other demands on that department. When that department determined how much it could approve, the matter then had to go to the Bureau of the Budget and the cancer request had to meet the same competition with all the claims that the budget had to consider.

At every stage the funds for cancer research were cut, and research to find the cause and cure for cancer suffered, and people suffered and died in vast numbers all over America.

The bill passed by the Senate and supported by the administration would have put the direct responsibility for adequate funds for cancer research upon the President of the United States, bypassing all these other impediments which such requests, even now, have to meet. That is the reason that I favor and think we should have enacted the Senate bill supported by the President, who was willing—indeed requested—this responsibility and opportunity.

The Interstate and Foreign Commerce Committee through its able Health Subcommittee has chosen not to follow the route pursued by the Senate and recommended by the President, but it does provide that the budget request of the Director of the National Cancer Institute shall go directly to the President and that the Director of the National Institutes of Health and the Secretary of Health, Education, and Welfare can only make comment upon and cannot deny this budget request.

Furthermore, this bill provides that there shall be a presidential panel to report to the President periodically upon the progress being made in cancer research. Also this bill provides for additional competent staff in the agency which can be used to evaluate all of the research and the work being done by the agency in research to bring it all closer together and make it more meaningful, one part with another. This too is good.

Moreover, perhaps the greatest contribution of the pending bill, as also of the bill passed by the Senate and recommended by the President, is to give to the Congress and the country and to those who are working in the field of cancer research an awareness of the emergency, a sense of the imperative motivation which must guide this research.

While I am disappointed that our committee has not chosen to follow the Senate bill, I do commend the committee for having broadened immeasurably the scope of the National Cancer Institute and its opportunity for finding the cause and cure of cancer. As I said, I hope further progress can be made in conference with the other body and that the distinguished Committee on Interstate and Foreign Commerce will keep this matter under immediate and the most concerned review and see to it that through this measure and any amendments that may be necessary there will be adequate funds for all that can be done to find the cause and cure of cancer and that effective administration of that effort and a sense of urgency comparable to the tragedy that cancer imposes on the people of this country will actuate their efforts.

Mr. Speaker, I very much hope that the distinguished Committee on Interstate and Foreign Commerce will now proceed to make changes in the structure and operation of the other Institutes in the National Institutes of Health in a manner comparable to the improvements which this bill makes over the existing law relative to the National Cancer Institute. And to begin such an effort I am introducing a bill to make such changes in the National Heart Institute. I hope my bill will receive concerned consideration from the distinguished Interstate and Foreign Commerce Committee at the earliest possible time.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ROONEY).

(Mr. ROONEY of New York asked and

was given permission to revise and extend his remarks and include certain testimony.)

Mr. ROONEY of New York. Mr. Speaker, I realize there is not a single Member of this body who is opposed to the speedy solution and cure of cancer. This is a subject I have been interested in since the 80th Congress, 24 years ago, when I introduced a bill then known as H.R. 292.

Further, I have been a victim of the dread cancer. I had lung cancer and was successfully operated on for it at the U.S. Naval Medical Center in Bethesda.

So you see, I have some familiarity with this subject.

The bill I wish to become law is not this pending bill. I am going to vote against suspending the rules and against this bill, H.R. 11302. I support a bill that passed the other body practically unanimously, to wit, 79 "ayes" and 1 "no." That was the bill the President wanted. This is the bill known as S. 1828, which everybody who is really interested in this subject wants—not the pending bill.

On Thursday, September 16, 1971, I testified before the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce. I shall call to your attention the testimony I gave at that time:

Thank you, Mr. Chairman and distinguished members of this subcommittee. I am truly pleased to be able to appear before you this morning on behalf of House Concurrent Resolution 2 which calls for the mobilization of our resources into a national crusade against cancer and expresses the sense of Congress:

"That sufficient funds be appropriated necessary for a program of cancer research and for the buildings and equipment with which to conduct the research and for whatever other purposes are necessary to the crusade so that citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

Twenty-four years ago, in the 80th Congress, I introduced H.R. 292, the first of many bills I have introduced over these many years calling for a national drive to eliminate cancer. Now, you might think that one would get discouraged coming back to the same subject so often; but I am not. I was heartened in the last session of the Congress when my resolution, House Concurrent Resolution 675, making it the sense of Congress that a national crusade against cancer be launched, was passed by the House on July 15, 1970, passed the Senate, amended, on August 28, 1970, and the House agreed to the Senate amendments on September 30, 1970, marking final adoption. I was also heartened when the President asked for an extra $100 million this year to financially launch the campaign that so many of us have sought for so many years. And this $100 million, while it startles some people perhaps, is just a fraction of what cancer is costing our people today.

Mr. Chairman, I am sure I need not acquaint the members of this committee with the vileness of cancer and its accompanying unrelenting statistics. I would be what they call a competent witness on the subject since I suffered from lung cancer and was successfully operated on for it at the U.S. Naval Medical Center in Bethesda in 1966. Even so, I feel it is good for all of us to realize that over the days as we formulate an urgent bill on this subject for action by the House of Representatives, Americans will die of cancer at the rate of about 1,000 per day. Of the 200 million Americans alive this minute, one-quarter of them, or 50 million Americans, will contract cancer, and of that ill-fated group, more than half will die. Many, many of these deaths will be accounted for by children and young people for, contrary to supposition, cancer is not a disease that comes with aging. It kills more young people and children than any other disease.

In 1969 (the year of the latest figures available) 323,330 persons died of cancer in this country. An estimated total of 964,000 persons in all were under treatment for cancer of one type or another. An approximate $1.8 billion was spent that year for direct costs of the treatment, such as hospital care, nursing home care, and physician and nurse services. A total of 175,000 man-years of productivity accounting for another $1.2 billion were lost that same year as a result of illness or disability of members of the working force as a result of their having cancer. Although these figures are estimations at best, the National Cancer Institute figures that total economic costs of cancer, including estimated direct expenditure, indirect cost of morbidity, and present value of lifetime earnings, amounted to approximately $12.3 billion in that 1 year. I am sure I do not really have to point out that these figures would be extremely low today in view of the skyrocketing costs of hospital and medical care and other segments of the cost of living—and dying.

Why then has it taken so long to come to the point we are at today? Well, perhaps it is because until now we were not capable of what we propose here today. Our scientific knowledge and technology grows in quantum jumps and has done so unheralded over the years until we now are at the point where we approach the very real goal of a major breakthrough on the cure of cancer. Cancer unfortunately, has been with us since time immemorial but until as recently as 25 years ago there was little or no headway made. In fact, it is only within very recent memory that people started to even mention it as a cause of death.

But we find now, that although the death rate from the various forms of cancers goes on inexorably climbing, we also have begun to crack some of the mysteries surrounding the disease. Radiotherapy and surgery are recording advances never before dreamed of, and even more promising is the field of chemotherapy which has made great progress in the treatment of leukemia and is showing promise in lung and other cancers.

In recent days we have noted reports in the newspapers of advances in the treatment of Hodgkin's disease. There have also been recent discoveries in the areas of viral, genetic, and hereditary research, which are very promising according to the leading experts in the field.

In short, the goal is within our reach. We have the beginnings of the know-how; we have the financial resources; we have the impetus and Lord knows we have the desire. What we need now is the vehicle.

Until now, Mr. Chairman, cancer research activities have been, in many areas, uncoordinated, and it is the feeling of many experts in the field of cancer study that the bill, S. 1828, would do much to correct this picture. S. 1828 would create a semi-independent agency within the National Institutes of Health which would provide a fresh approach to the control and management of our cancer program. The Conquest of Cancer Agency, as it would be called, would be financially and administratively independent of the director of the National Institutes of Health, but he would serve on the Advisory Council of the agency and play a part in budget matters before the proposed budget was presented to the President and the Congress. He would be joined on the board of the Advisory Council by the Secretary of Health, Education, and Welfare and the director of the Office of Science and Technology.

Section 407 of the Senate-passed bill, S. 1828, would assure that cancer research stay under the National Institutes of Health, while at the same time guaranteeing it the authority and autonomy to prevent funds being diverted from it. I am sure, Mr. Chairman and members of the committee, that you are all familiar with the report of the National Panel of Consultants on the conquest of cancer prepared for the Committee on Labor and Public Welfare in the other body. The findings of that esteemed group are basically contained in the bill, S. 1828, and I think, therefore, that that bill deserves favorable consideration by this committee.

I thank you, Mr. Chairman and members of the committee, for your patience and courtesy in listening to me today.

Mr. ROGERS. Thank you so much for giving us your time and giving us your viewpoints, which certainly will be considered by the committee.

Mr. Kyros?

Mr. KYROS. Thank you, Mr. Chairman. I want to welcome my good friend from New York for whom I have the greatest respect. I think your testimony has been helpful.

In the Senate-passed bill, is it necessary to obtain the advice and consent of the Senate? Don't you think it would be better not to have that proviso in there, Mr. Rooney?

Mr. ROONEY. I think that could be worked out. That is a matter that could be satisfactorily arbitrated.

Mr. KYROS. That particular point?

Mr. ROONEY. I listened to your discussion with the Senator from Wisconsin on this very same point.

Mr. KYROS. So you think that part could be modified?

Mr. ROONEY. I think so.

Mr. KYROS. Thank you very much. I am delighted to see you here this morning.

Mr. ROGERS. Mr. Nelsen?

Mr. NELSEN. I want to say thank you, Mr. Rooney, for your usual fine presentation. I noted your reference to having been a victim yourself. My son 7 years ago was at the Mayo Clinic with a brain tumor. Today he is in good health and looks just great. So I have a similar interest, with one of my family having been a victim.

So I, too, join with you in the hope that in these things where there appear to be some differences of opinion as to the detail of the bill that we can work it out as you suggest. Thank you so much.

Mr. ROONEY. It is principally a question of getting the show on the road.

Mr. ROGERS. Are there any other questions? Thank you so much for your presence.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Speaker, actually the President is in favor of the bill before the House today and the reasons are very clear and simple.

This bill does not dismantle the National Institutes of Health, the same National Institutes of Health which you just heard a minute ago helped our colleague (Mr. ROONEY) to be alive today.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Maine yield?

Mr. KYROS. I yield to the gentleman.

Mr. ROONEY of New York. No; I give the credit for being alive today to the U.S. Navy.

Mr. KYROS. Thank you, but I am sure that research from the National Institutes of Health also helped.

Furthermore, this bill provides direct access to the President. It is the bill supported by all medical schools, and by

the American Medical Association, the American Hospital Association, the Association of American Medical Colleges, practically every significant scientific body in the United States, several recipients of the Nobel prize in medicine, and the heads of 72 medicine departments of medical schools throughout the country. All of these supported the concept of maintaining the Federal cancer research effort within the NIH, and all expressed opposition to the approach contained in the Senate-passed bill.

I want to take this moment to commend Members on both sides of the aisle, and particularly the gentleman from Florida (Mr. ROGERS), who in the face of a 79 to 1 vote in the other body, obtained after 3 days of hearings, nevertheless proved in a most deliberate manner in extensive and comprehensive hearings which sharply delineated the issue, what the relationship of the new agency should be to the NIH. Mr. ROGERS' painstaking efforts have, I believe, borne fruit in this well-shaped legislation.

I want also to single out my colleague, ANCHER NELSEN, of Minnesota, the ranking minority member of the Public Health Subcommittee, who assisted so ably in fashioning the National Cancer Attack Act.

Mr. SATTERFIELD. Mr. Speaker, there can be no doubt about the need for greater emphasis upon our efforts to determine the causes of and develop a cure for cancer. H.R. 11302 will fulfill that need by providing the most extensive and comprehensive attack on a single disease in the history of this Nation.

This measure was developed after the most careful and concerned consideration by the Subcommittee on Health and Environment of the Interstate and Foreign Commerce Committee. It represents a fine, realistic blend of the best aspects of existing research efforts in the National Institutes of Health and the more desirable suggestions of the administration to create a new concentrated effort in this field.

In considering the best method to administer the national attack on cancer program it was decided that it would be preferable to preserve existing interdisciplinary cooperation by utilizing, while strengthening, the National Cancer Institute rather than to create a new independent agency with its inevitable bureaucracy whose future relationship with the National Institutes of Health would have been a matter of grave doubt and whose very existence would have constituted an obvious threat to the future of the National Institutes of Health.

Accordingly, H.R. 11302 places directorship of the national attack on cancer in the hands of the Director of the National Cancer Institute, who is elevated to the position of Associate Director of the National Institutes of Health. In his capacity as Associate Director of NIH, the Director of the National Cancer Institute, is specifically charged with creating a national plan and developing an expanded intensified and coordinated attack on cancer.

The bill, in an effort to provide the degree of independence necessary for effective planning and development provides, first, that the Director of the National Cancer Institute shall be appointed directly by the President of the United States. Second, that the Director of the National Cancer Institute shall prepare and submit a budget directly to the President of the United States with comment, but without change, by the Secretary of Health, Education, and Welfare, the Director of the National Institutes of Health and the National Cancer Advisory Council. Third, that all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute shall be delivered directly from the President and the Office of Management and Budget to the Director of the National Cancer Institute. Fourth, for a total of $1.5 billion to be expended for this purpose during the next 3 fiscal years in order to provide significant direction to the attack on cancer.

By designating the Director of the National Cancer Institute to head the attack on cancer program and by keeping its administration within the National Institutes of Health, H.R. 11302 will assure a continuation of the interdependence between the several disciplines within NIH which are so essential to success. This will make possible an enlargement in the base for research—including cancer—and the capability to maintain a free exchange of information and ready availability of findings between cancer research and all other biomedical research efforts.

In order to provide effective oversight by the President of the United States, H.R. 11302 will establish a three-man President's cancer attack panel to consist of at least two distinguished scientists and a qualified layman if the President so desires. This three-man panel will appraise the national cancer attack program, monitor and develop its execution, identify and report any delays or blockages in its functioning and report in every instance directly to the President of the United States. The panel is directed to report directly to the President on any other matter when requested and is charged with the duty to make an annual evaluation of the program and to forward it to the President together with suggestions and recommendations for improvements.

To reinforce the capability of the Director of the National Cancer Institute to effectively implement the program, H.R. 11302 would preserve the expert knowledge and experience of the National Cancer Advisory Council by retaining that body not only to perform its usual functions but when called upon, to counsel and advise him when necessary to obtain the maximum benefit from any new scientific or technological finding. In conjunction with this provision is the express direction to utilize existing peer groups or to create others when needed and thus to assure the retention of the existing scientific peer review system.

Furthermore, H.R. 11302 will expedite procedures for the approval of grants. Specifically it will authorize the Director of the National Cancer Institute to make grants in amounts not to exceed $35,000 after appropriate review for scientific merit by a peer group only and to make grants in excess of $35,000 after appropriate review for scientific merit and recommendation by the National Cancer Advisory Council.

In an effort to help bridge the gap between research and treatment, H.R. 11302 will authorize the establishment of 15 new centers for clinical research training and demonstrate advance diagnostic treatment methods relating to cancer which when added to the eight centers now authorized will bring the authorized total to 23 to be distributed on a geographic basis across this country. Hand in glove with this effort the bill will direct that the Director of the National Cancer Institute shall reestablish those cancer control programs which were phased out for fiscal reasons in 1970. For this purpose it will authorize appropriation of $90 million over the next 3 fiscal years.

Another important provision which is essential to successful planning, development and operation of the national cancer attack program lies in authority which the bill will vest in the Director of the National Cancer Institute to obtain the services of not more than 50 experts or consultants who have scientific or professional qualifications essential to the program.

This bill is a realistic one which adequately expresses the commitment of Congress and the people of the United States to provide a well funded flexible program which will ultimately produce success in conquering this terrible disease.

Mr. FOUNTAIN. Mr. Speaker, I am pleased to learn that the distinguished chairman of the Subcommittee on Health and Environment (Mr. ROGERS) has offered a committee amendment to strike certain personnel provisions contained in H.R. 11302. Section 5 of the bill would amend title IV of the Public Health Service Act to provide for elevating the Director, National Institutes of Health, to executive level III, and the two NIH Deputy Directors as well as three Institute Directors to executive level IV.

This is a matter of great concern to the Intergovernmental Relations Subcommittee which has been working for many years to obtain more rational administration in the National Institutes of Health and to increase the efficiency of NIH, the Public Health Service, and the Department of Health, Education, and Welfare. The subcommittee staff has worked with the staff of the Manpower Subcommittee headed by my able and distinguished colleague from North Carolina (Mr. HENDERSON), to remedy the unsuitable personnel provisions included in H.R. 11302.

Mr. Speaker, I can understand the temptation to emphasize the importance of the national cancer attack program by elevating the grade and pay level of its Director. However, to extend this same reasoning to five additional positions in NIH does violence to the relationship of these administrators to their superiors in the Public Health Service and in the Department, as well as to civil service concepts in general.

As proposed in this bill, the NIH Director would be elevated to executive level III, the same level as the Under

Secretary of Health, Education, and Welfare. In addition, five other NIH officials would be elevated to level IV, the same level as the Assistant Secretary for Health and Scientific Affairs—the official to whom the NIH Director and other top officials of the Public Health Service report. It should be obvious that this is an irrational structure and cannot be justified. It would not be conducive to sound public administration.

Mr. Speaker, I cannot support a provision of this kind which would create a subordinate position in the Public Health Service at a level equal to the Undersecretary of Health, Education, and Welfare, and five even more junior positions at the same executive level as the Assistant Secretary who has responsibility for the entire Public Health Service.

We would have great difficulty in explaining such a gross distortion of the Federal civil service structure to our constituents. I believe there is something radically wrong if the Federal Government must offer subcabinet salaries to attract scientific, professional, and administrative personnel to an operating unit within the Department of Health, Education, and Welfare.

I make no judgment on whether higher salaries may be justified for some individuals in the Public Health Service. If this is the case for the Director of the Cancer Institute in the event that the Congress should enlarge his responsibilities, such action may be justified in that case.

Mr. Speaker, I should like to point out that one of the NIH Institute Directors for whom a higher salary level is proposed in this bill is presently under investigation by the Intergovernmental Relations Subcommittee. It is alleged that this official, as well as a number of other NIH officials, have engaged in irregular travel expense practices. While our investigation has not been completed, I can report that the official in question has spent a total of 5 months during the past 2 years at his cottage in Woods Hole while being paid $25 a day per diem. The explanation offered by the official for such prolonged absence from his office at the National Institutes of Health is that it is important for him to have time to conduct his personal research and to have sufficient leisure to read the scientific literature.

I make no judgments at this time on the validity of his claims. What I think is significant in the context of the legislation before the House today is that the Director of a large Institute at NIH apparently feels that his full-time attendance is not required at the Institute in order to discharge his duties. If this is the case, Mr. Speaker, it raises a serious question as to whether the Congress has created too many separate Institutes at NIH and has overstaffed them for the programs being performed. An alternative conclusion might be that some of the officials responsible for carrying out the health research programs authorized by the Congress are not doing as vigorous a job as we in the Congress intend when we authorize these programs and appropriate funds to carry them out.

Mr. JOHNSON of California. Mr. Speaker, I rise today in support of H.R. 11302, the National Cancer Attack Act of 1971. First of all, I think it is clear to all of us that a massive assault must be mounted on this dread disease which kills thousands of Americans of all ages and from all walks of life each year.

Cancer affects one out of every four individuals in this Nation. More than 51 million Americans now living will develop some form of cancer, and unless a cure is discovered soon, 34 million of these will die of that disease.

On an annual basis the death toll from this disease averages some 330,000 Americans.

A national panel of consultants has made an exhaustive study of the threat which this disease poses to our Nation and has concluded that a major systematic attack on cancer is feasible and victory can be achieved if we embark upon this crusade now.

The question is not whether to proceed but how.

The distinguished Committee on Interstate and Foreign Commerce, under the leadership of its chairman, Congressman STAGGERS of West Virginia, conducted exhaustive hearings on this legislation earlier this fall and the recommendations which we have before us today reflect the committee's vision as to how best the cancer research can be conducted to fulfill a national commitment to find a cure for the disease.

The National Cancer Attack Act of 1971 reflects the findings of the scientific community already working on this disease for they were particularly concerned about preserving the essential exchange among the scientific disciplines within the National Institutes of Health. Therefore, the proposal set before us builds upon existing strengths of the National Cancer Institute, increasing its authorities, funding, and other resources, and placing the responsibility of meeting this challenge in the hands of an Associate Director of the National Institutes of Health. The mandate given to him by the Congress and the President is to coordinate all cancer-related research, inside and outside the Federal Government, and wage a comprehensive attack upon cancer to achieve the goal which we all seek, namely, the conquest of cancer.

As a sponsor of the Conquest of Cancer Act, I support the committee's recommendations wholeheartedly and urge that we enact this legislation today and get on with the challenge.

Mr. BURKE of Florida. Mr. Speaker, I was especially pleased to join with those of my colleagues who supported H.R. 11302. Cancer is one of the most feared of all human maladies. The pain, suffering, and grief caused by this disease are monstrous. It is estimated that 345,000 Americans will die this year from cancer. It is further estimated that 600,000 new cancers will be diagnosed in the coming year.

The basic understanding of cancer's causes and its cure is still an elusive goal. Man's counterattack against it has produced victories of a sort; 40 years ago, less than one-fifth of all known victims survived 5 years after diagnosis but now one-third live at least that long. Five years of life after diagnosis is hardly a great victory. Five years anticipation of a slow certain death strains the moral fiber of the individual and tears at the heartstrings of all his family and friends. We have all seen or known people who have died of this dreaded disease and we all know its ravages before death.

President Nixon in a speech stated that—

> The conquest of cancer is one of the most important efforts of our time.

In his message to the Congress on the state of the Union on January 22, 1971, and again in a special message to the Congress concerning a national health strategy on February 18, 1971, he said he was determined to wage a successful fight against this dread disease; and called upon the Congress to appropriate an additional $100 million to support the effort.

Cancer is second only to heart disease in the number of deaths in this country. If the present incidence of cancer were to continue at the same rate, some 52 million Americans who are alive today will contract this disease. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. In the next 10 years alone, 3½ million Americans would die from cancer unless we stop it.

Needless to say all of us in the Congress are concerned with conquering this dreaded disease, but the issue is not whether cancer should be conquered but which will be the fastest way with the least expenditure of taxyayers' money.

The House and the Senate differ on this issue. The Senate feels that the medical profession knows enough about the disease to adopt a crash-program approach comparable to the Manhattan project during World War II. They proposed and passed legislation, S. 1828, on July 7 by a vote of 79 to 1 to provide for a National Cancer Institute which would lead an existence for all practical purposes divorced from the rest of the medical research establishment.

The House on the other hand feels that the scientific community who argue that not enough basic research has been done in basic cancer research have a valid point. A vast majority of scientists have testified that no single line of research can solve the problem, and that isolation of the cancer fight from the mainstream of biomedical effort not only will slow it down, but, also will weaken the other elements of NIH from which promising leads might come.

H.R. 11302, provides that the number of NCI research centers be increased from 8 to 23, that the process of awarding study grants be speeded up; and that a watchdog commission to oversee the expanded NCI be set up by the President.

I introduced legislation on May 18, 1971, H.R. 8525, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer. My bill provided for a cancer-cure program established in the National Institutes of Health. Further, the program, acting in coordination with the other programs

and activities of NIH would have as its objective the conquest of cancer at the earliest possible time.

My bill in essence is the same as the House bill proposed by PAUL ROGERS. The mechanics of implementation are slightly different but the intent and method are the same.

Since 1947, the male cancer rate has climbed from 280 per 100,000 to 304, while the death rate has risen by nearly 40 percent. Black men are 65 percent more likely to suffer from cancer of the prostate than whites, 250 percent more susceptible to cancer of the esophagus. Black people are more cancer prone than whites. The only decrease in cancer has been in women. Since 1947 the incidence rate has dropped from 294 per 100,000 to 256. Fatalities among women have also declined dramatically, largely because of earlier detection of uterine cancer. Progress can be made; what is needed is more money and better organization. It is time that we stop talking and pass proper legislation to find cures for cancer. The vote on H.R. 11302 is a step forward. Now let us finish the job and end this dreaded disease.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the substantive objective of this national cancer attack bill, H.R. 11302, with strengthening amendments to perhaps bring it more in line with the measure already passed by the Senate, will be overwhelmingly approved by the House.

As is commonly known, cancer is truly the No. 1 health problem affecting the American people and the occurrence of cancer is, unfortunately, increasing.

In appreciation of the significance of such increase, together with the warning of the experts that the nature of cancer is not yet fully known, we have the clear legislative duty of enlisting and marshaling the most effective scientific resources in the country to win the fight against cancer.

The authorities tell us that there has been some encouraging progress in the war on cancer but a national and concentrated program is urgently needed now in order to more effectively pursue recent advances in diagnosing, curing, and eliminating cancer. Many of the experts who have been long and devotedly engaged in the fight against cancer tell us that this can best be done by making three significant improvements in the existing structure.

A national cancer agency and director must be set up, associated with the National Institutes of Health, but with independently defined authority and responsibility; a comprehensive national plan must be developed to project a cooperative and systematic attack on the terribly complex causes of cancer and adequate financial resources must be made available to speed the accomplishment of the overall purpose. These are the foundation improvements that this measure is designed to achieve and that we hope it will.

Mr. Speaker, the vital importance of the cancer solution problem to the American people is obvious. This measure, in itself and with suggested strengthening amendments, represents a most impressively organized and promising effort toward the earliest possible detection of and cure and elimination of cancer and it is unquestionably in the overriding national interest.

I know that the House will fully and carefully consider and exercise its most conscientious judgment on all the provisions of the bill and any proposed amendments and I am sure that the final action of the great majority of the Members will reflect a major forward step in our united march to victory over the scourge of cancer.

Mr. DULSKI. Mr. Speaker, I am delighted with the speed with which the House Committee on Interstate and Foreign Commerce has moved to consider legislation to deal with the massive attack on the scourge of cancer.

The subcommittee, chaired by the gentleman from Florida (Mr. ROGERS), held comprehensive hearings over a period of several weeks which included testimony from individuals representing all elements of the scientific, governmental, and the civic communities.

I was particularly gratified that the subcommittee chose to conclude its hearings with an onsite session in my home city of Buffalo, N.Y., where the subcommittee heard testimony from top research and clinical specialists of Roswell Park Memorial Institute, the oldest and one of the largest cancer institutes in the world.

During the midday recess of the hearing, the committee members were given a tour of key portions of the institute where they could see at first hand both the basic research and the treatment work being done in the field of cancer.

The visit of the subcommittee to Buffalo so impressed the members of the subcommittee that I had hoped some way could be found to have the entire committee as well as other Members see at first hand the work being done.

CANCER EXHIBIT ARRANGED

Since it was impossible to arrange a visit of a larger group to Buffalo on short notice, I asked officials of Roswell Park Memorial Institute to assemble as quickly as possible a photographic exhibit which highlighted both the research and treatment work being done there.

Such an exhibit was brought to Washington a week ago and all Members were advised of its availability in room 210, Cannon House Office Building.

Dr. Gerald P. Murphy, director, and Dr. Edward A. Mirand, associate director, came to Washington for the day to provide expertise and counsel to the many individuals who took advantage of the exhibit.

The work at Roswell demonstrates perhaps better than many other examples the fundamental necessity that there be very close coordination and relationship between the basic research on cancer and the clinical treatment of patients.

That is, the scientists who are working in the laboratories on the purely technical side need to have close rapport with their colleagues who are utilizing the results of basic research in actual treatment of patients.

RESEARCH, TREATMENT RAPPORT VITAL

Valid complaints have come to my attention that in some areas of cancer research, unlike at Roswell, this close coordination is lacking.

Indeed, one of the criticisms raised about the current operation of the National Institutes of Health is that it is too heavily oriented to basic research with application and dissemination of research results being a secondary consideration.

An example cited to me is that today—7 years after introduction of a good measles vaccine which was developed with federally funded research—there still are epidemics of measles and many deaths from measles, and the toll is increasing annually. I am told further that, ironically, children at the highest risk for measles are the least likely to be immunized.

Mr. Speaker, I was an original sponsor of the Conquest of Cancer Act and was gratified at the strong position of support which was given to the cancer attack program by the administration. The Senate, as has been pointed out, approved a modified Conquest of Cancer Act.

The pending bill seeks to deal with the problem of cancer in a somewhat different fashion than the Senate-passed bill.

HOPEFUL FOR COMPROMISE

As one who has been supporting and seeking support of others for cancer research ever since I came to Congress in 1959, I am very hopeful that the conflict between the House and Senate versions will not wind up in a stalemate.

In view of the strength of support for the House measure in the House committee, I am in full support of H.R. 11302. I hope sincerely, that in the House-Senate conference a final version can be worked out expeditiously so that the massive drive against cancer can get underway without further delay.

Neither the pending bill nor the Senate bill is perfect, but they both go a long way toward doing a job of attacking cancer with all the vigor the great resources of our country can muster. My interest is in results.

One of the important improvements in the program which is evident in the House bill is the provision for a speedup of the procedure for handling smaller grants, specifically those of $35,000 or less.

The committee report says that some 40 percent of all grant applications are in this area. Certainly, one of the great frustrations under the current system is the protracted delay that occurs so often in clearing research grants applications.

TWO SPEEDUPS PROVIDED

What is more, the House bill has a second speedup provision which allows the Director of the National Cancer Institute to call upon the National Cancer Advisory Council at any time to meet and consider larger grants that look promising and warrant expedited consideration.

There is absolutely no question as to the widespread concern about the increasing number of cancer cases. There have been some impressive breakthroughs in various areas and there is prospect for other important developments. These prospects can be enhanced by the massive attack proposed under both the House and Senate bills.

Mr. Speaker, in the interest of moving forward with an aggressive cancer attack

program, I support without hesitation H.R. 11302 as it came from the House Committee on Interstate and Foreign Commerce.

As I said earlier, my own interest in the conquest of cancer began long before I came to Congress. My election to the House gave me the opportunity to seek legislation and appropriations to further the drive.

Shortly after I first arrived in 1959, I published a newsletter containing a lead item from which I quote the opening paragraph:

> We have voted billions of dollars for conquest of outer space. It will be a thrilling experience for the first man who reaches the moon. But I would rather be the first to discover a cure for cancer, heart disease, or mental health.

The pending legislation is without doubt the most comprehensive and far-sighted legislation in this field which I have had the opportunity to act upon in my service here.

COMMEND EXPEDITED ACTION

Mr. Speaker, I want to express my deep appreciation and my commendation to the chairman of the full committee (Mr. STAGGERS), the chairman of the subcommittee (Mr. ROGERS) and the other members of the committee for the expeditious manner in which they have handled this bill.

I would like particularly to express my appreciation to the members of the committee for agreeing to amend the bill in order to eliminate two provisions which are of great concern to the Committee on Post Office and Civil Service, of which I am chairman.

I am referring to the deletion from section 3 of that portion permitting entrance at two grades above normal for specially qualified scientific or other professional personnel in the National Cancer Institute.

The other portion of the bill is section 5(b) which would have raised the levels in the executive schedule for certain positions in the National Institutes of Health.

Our Committee on Post Office and Civil Service, in cooperation with the Civil Service Commission, has been opposing adjustments in pay scales in bills which do not come before our committee.

NO INTENTION TO BLOCK

Our committee has no intention of blocking legitimate requests for pay adjustments, but in line with its responsibility and jurisdiction over pay levels, it needs justification for proposed changes.

I would like to assure the Members that any valid justifications presented to our committee will receive sympathetic consideration.

The deletion of the two aforementioned pay items in the pending bill has relieved me of the embarrassing predicament of being forced to raise doubts about a piece of legislation which I feel is far too important to be delayed on technical questions which can and should be handled in another manner.

Mr. Speaker, I support fully H.R. 11302 as amended by the committee and urge its passage. I renew my hope for an early agreement between the House and Senate conferees on this important legislation to press the attack on cancer.

Mr. HASTINGS. Mr. Speaker, it is my privilege to support the passage of H.R. 11302, the National Cancer Attack Act of 1971. As a member of the Subcommittee on Public Health and Environment, I feel this bill, which represents hours of discussion and deliberation, is the most viable mechanism to stimulate the necessary multifaceted approach to the conquest of cancer.

I would like to compliment the gentleman from Florida, Chairman PAUL ROGERS, for his outstanding efforts, and the entire subcommittee for their endorsement of a unified approach.

The Cancer Attack Act makes the following provisions which will permit the optimum flexibility in developing the methodology necessary to expand our research capabilities:

First. A speedup of procedure of grant process by allowing grants of $35,000 and under to be reviewed by peer group on merit and then passed to director of NCI for approval instead of waiting for National Cancer Advisory Council. This should effect nearly 40 percent of all grant applications.

A second speedup provision allows the NCI director to call in the National Cancer Advisory Council at any time. Presently, this group meets quarterly. This allows for fast consideration of grants that look promising and could result in a breakthrough.

Second. Clinical research centers, which now number 8 will be increased by 15 and will be eligible for block grants from the NCI director. These grants can provide up to $5 million per center. In the past, as many as 30 or 40 separate grants were required to maintain a clinic's work.

Third. Cancer control programs which were financially phased out a year ago will be reactivated and placed under the control of NCI. Funds for these programs over a 3-year period are $90 million. This includes PAP tests for cervical cancer, breast checks, and oral examinations, and the training for personnel in cancer. The gathering of cancer statistics will also be included to give the medical-scientific communities better profiles of the disease.

Fourth. The budget for NCI is sent directly to the President, with the Director of NIH and the Secretary instructed to comment, but not alter it. As a further check on the adequacy of the budget, the outside NCAC will also comment.

Fifth. The budget proposed in the bill is $1.590 billion for 3 years. The Senate bill contains no specific authorizations.

Sixth. The Director of the NCI will be given the title of Associate Director and to give notice that the bill will not downgrade the two other major institutes, this position will also be given the directors of the National Heart and Lung Institute and the National Institute of Neurological Diseases and Stroke.

Seventh. Because of the President's interest and concern over the problem, the committee bill has created a three-man panel to oversee the NCI as the President's watchdog. They report to the President as to the progress, effectiveness, and operations of NCI and make recommendations to the President.

Eighth. To develop a comprehensive program, the bill requires a national plan of attack.

I trust that now the House and Senate will move ahead swiftly in conference to deliver this essential legislation to the President before the year's end to be signed into law.

Mr. BROOMFIELD. Mr. Speaker, the National Cancer Attack Act presents for the first time a well-organized and funded program to fight cancer. This terrible disease, which will afflict one out of every four Americans alive today, has long plagued the health and welfare of our people.

There is no better time than now to initiate the first major assault upon cancer. Indeed, for many Americans who are still alive today it is already too late to turn back this fatal disease. Nonetheless, medical research has uncovered many new answers—new keys which may unlock the solution to this perplexing problem.

However, these new possibilities raise more questions which in turn must be satisfied. We must, rather than despair, redouble our efforts if we are to succeed.

I propose, Mr. Speaker, that we have passed the point where we have the option to delay this all out attack until some future time. Cancer has grown to epidemic proportions. It strikes indiscriminately and silently.

The cost of this multiyear program pales when it is compared to such programs as space research and the Vietnam conflict. Additionally, the potential return from a cure for cancer or a successful means to retard its fatal advance when computed in terms of human life and suffering is beyond description.

Mr. Speaker, I daresay that there is no family in this country which has been left untouched by this perplexing killer. And yet, we can defeat this adversary. It is possible if we only allocate the time and money that a cure can be discovered.

A cure is within our grasp; we can prevent the needless suffering and loss of so many innocent victims. If we should ignore the challenge of cancer, if we fail to act decisively to combat its dread effect, the true tragedy will be reflected in the senseless loss of thousands of Americans who will die for no other reason than our failure to act immediately.

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is considering a critically important piece of legislation, the National Cancer Attack Act of 1971. I fully support this proposal and I urge my colleagues to give it their full endorsement as well.

Given current rates of incidence, 650,000 new cases of cancer will be diagnosed in the United States during 1972. The next year will also be marred by 340,000 cancer-related deaths. And as incredible as it may seem to us in the quiet of this Chamber, unless the rate at which cancer is spreading throughout our population can be reduced, one out of every four Americans who are living today will someday contract this dreaded disease.

To my way of thinking, we are in a race against a clock which is not measuring the time of day, but a clock which is measuring the state of health and well-

being of millions of Americans. That we are losing this race is all too painfully clear.

This is the Nation that tapped the resources, created the technologies, and focused the energies of some of its best minds toward the goal of putting a man on the moon. We accomplished this goal in the span of one decade, a goal that mankind has dreamt of through the ages. I am confident this Nation is equally well equipped to conquer cancer and minimize its threats to not only the health of the American people, but to people of the rest of the world as well.

Upon those of us in Congress rest the burdens of establishing, by law, the most effective means of focusing public and private resources on the problems of cancer, and then channeling sufficient amounts of public revenues into these resources. Not only are these tasks clearly defined and capable of reasonably swift resolution, the bill before the House today provides a sound starting point.

In terms of content the National Cancer Attack Program Act of 1971 is similar in many respects to legislation I introduced some months ago, and for this reason I am quite familiar with the terms of the bill to be voted on today. It establishes a national cancer attack program within the National Institutes of Health and by so doing capitalizes on the existing governmental structures and programs in the health area. In my mind, this would better utilize the institutions of the Federal Government than would have been the case if, as some advocated by liberals, a separate cancer agency had been established in the executive branch. Moreover, this bill has the added advantage of allowing the development of the new medical technologies needed to successfully conquer cancer to be developed within the already well developed and highly sophisticated framework of the National Institutes of Health. This structural arrangement will provide opportunities for a wide variety of medical fields to profit from new breakthroughs in cancer research. I say this because the fundamental knowledge which is essential to the conquest of cancer is also essential to the solution of many other disease problems, diseases of the heart, diseases of the lungs, and so forth. In addition, new information about life processes derived from expanding cancer research within the National Institutes of Health system can also have immense value in casting new light on other biological processes within the human body.

In closing, I would leave my colleagues with this grim thought. On the basis of the best information available, it has been estimated that unless rapid progress is made in understanding and controlling cancer, 3.5 million Americans will die from some form of cancer during the next 10 years. If this grim prediction comes true, we have no one to blame but ourselves; for, as a nation and a people, we have the means and the abilities to conquer cancer. Regrettably, it still remains to be seen whether we have the necessary resolve to get on with the task ahead.

Mr. GALLAGHER. Mr. Speaker, while I am pleased that the Congress and administration have chosen to join in my proposal for a national commitment to cure cancer, I am yet dissatisfied with the amount of funds authorized toward that goal—for it is clear that no matter how much we spend on this great effort a good result will pay us back many times. It is clear that our economy suffers more loss from permitting cancer to continue its killing game than that economy could ever pay to stop cancer. I am talking about income taxes lost through the loss of able bodied men and women who cease to function because of cancer. I am talking of medicare payments, insurance payments, and hospital payments produced by a disease which saps the very essence of human dignity. The price we pay for permitting cancer to charge us the ultimate tax—our lives, is far greater than the price I am proposing to end this scourge once and for all. Yet while I am dissatisfied with the amount being authorized today I am terribly gratified that what I called for years ago, a nationalliy funded war on cancer, has finally come to pass.

Mr. Speaker, I take the liberty of enclosing for the RECORD a letter which I sent to Premier Kosygin of the U.S.S.R. on July 15, 1970, and the reply he mailed to me.

I wrote this letter at a time of considerable frustration because of the difficulties of trying to get our Nation to declare a new kind of war. A war for the improvement of the quality of life. A war against a terrible disease. A war against cancer. The letter follows:

JULY 15, 1970.

His Excellency ALEKSEY NIKOLAYEVICH KOSYGIN,
Chairman, Council of Ministers of the Union of Soviet Socialist Republics, Moscow, USSR.

DEAR MR. CHAIRMAN: This letter is as unusual for me to write as it must be for you to receive.

During my more than 12 years as a member of the House Foreign Affairs Committee many issues of great importance have developed between our nations; yet now a matter of shared concern and mutual significance compels this direct communication with you. This matter involves an area in which both your country and mine have expended considerable effort and national resources; it affects the basic question of human life.

Mr. Chairman, I am not referring to the threat of nuclear war. Rather, I am referring to an international menace which has already realized its potential for destruction by taking the lives of millions of persons throughout the world each year: that menace is cancer.

I have proposed in the Congress that the United States undertake a firm national commitment to cure and control cancer in this decade. Under my proposed legislation, such a commitment would involve the direction of at least $6.5 billion over the next ten years to eradicate the menace of malignancy from our earth.

But, as you must know, the weary wheels of bureaucracy often fail to spin with sufficient speed in the face of major new proposals. However, as you have also undoubtedly noticed, the wheels of the American Government seem to spin somewhat more quickly when sparked by a specific catalyst: namely, counter-action by the Government of the USSR.

In fact, both of our nations have done wheel-stands in response to one another. We have demonstrated a certain unmistakable sensitivity in response to the respective actions of our respective republics. Actually, what we have really demonstrated is more akin to a knee-jerk reflex reaction! It is as if the age-old proverb could now be applied to international affairs: one nation proposes, the other disposes.

Thus, the reason for this letter.

To be precise, Mr. Chairman, I have been attempting to find an effective means of spurring my country to action on my cancer cure commitment legislation. I have considered every possible parliamentary maneuver, every potential political squeeze, and every conceivable public outcry. Finally, I believe that I have found the appropriate method to spur public support and thus the political support which must follow.

Accordingly, Mr. Chairman, I write formally to ask you to proclaim a 10 year national commitment by the USSR to cure and control cancer in this decade!

It would seem certain that the result of such a proclamation would be to spur my country into racing your country for the goal of cancer cure.

In case my suggestion seems of dubious merit, let me say that there are sufficient analogies from past experience to justify this approach. For example, you launched Sputnik, thereby indicating what could have only been an intention to race us for outer space; a knee jerked on the other side of the world, and we decided to race you for the Moon.

In the field of national defense, you know that the Soviet Union has only to breathe out the hint of new weapons development for us to inhale the information with renewed decision to build a bigger ABM, or a better MIRV, or a bolder Polaris. In this way, your policy helps us to defend our policy which helps you to defend your policy. When I visited Moscow University, I gathered from your students that the reaction cycle is not unilateral.

So, just as the United States could not afford a missile gap, neither could we possibly afford a cure gap. If you announced the firm goal of cancer cure, we would obviously have to close the gap by working with equal speed and dedication towards that goal.

And you know, Mr. Chairman, it seems to me that if we must have races in this world, then the race I suggest would be far more worth the running than any of the others before it: an international race for the human race in which no nation, or person, could lose. This could be the first international contest to eliminate disease instead of to increase our capacity to make war.

From such a race, in fact, we might perhaps realize that here is an area where we could do better by pooling our resources, our talents, and our commitments in a common crusade for a common humanity. Neither the space race nor the arms race could ever hope to match the significance of a truly human race.

I know that your country is now working as strenuously as is mine towards finding a cure for cancer. But the problem on both sides is the lack of a firm financial commitment and a fixed time goal. We both lack a nationally coordinated and properly funded commitment to cure cancer and the fear of cancer within a measured time period.

Yet the only obstacle which now stands between cancer and its cure is money. This point is supported by more than 600 eminent American scientists, educators, and physicians who signed a special public statement endorsing my cancer cure proposal, and expressing their conviction that cancer can be cured if my proposal were adopted. We have the technology; we require the commitment. And is it not time, Mr. Chairman, that we stopped using man for technology and started using technology for man?

I might say here that all of this backing

for my bill produced virtually no impact whatsoever; not one word in The New York Times. Now, if the USSR made such a proclamation, you can well imagine the height of the waves of publicity which you would generate, the magnitude of public awakening which you would produce, and the great forward motion that could then begin.

So again, please let me urge you to announce that the Soviet Union intends to cure cancer in this decade. Indeed, even if the great press of other important matters makes it inopportune for you to proceed with a firm national cancer cure commitment at this time, or if, perhaps, you have already decided upon such a firm commitment with as little public notice as my proposal has received, please make the announcement anyway! Our respective nations have made many statements during the years of our rivalry that neither side always meant; most of the time, these statements involved communists making nasty comments about capitalists, and vice versa. Other times, we have directed threats at one another which were not (thank heavens) fulfilled. So, if you have to say something which you may not really mean, at least here is a chance to say something which is good and constructive at the same time. An announcement of this sort would benefit us all; for when it comes to cancer, we are neither capitalists or communists, but we are all potential victims.

Mr. Chairman, I wish that I were entirely facetious about this matter, but this is not possible. For you, I, and every human being know the anguish of cancer. We all live within its long shadow, our lives darkened by its grim terror. And we have all seen once vigorous human lives badgered and beaten by this brazen killer.

I also wish, Mr. Chairman, that I could devise another means for making our countries take up the gauntlet for a firm cancer cure commitment in this decade. But it seems these days that governments cannot respond to an ordinary plea, made by an ordinary man without benefit of computers, matrices, or geometric progressions, on behalf of all of our ordinary lives. I believe that these lives—all of our lives—are well worth the saving. And recalling your visit to my State at Glassboro, New Jersey, and the spirit your visit engendered, I think that you believe this too.

I further believe that if our two great nations can find a common goal, and can undertake a joint effort in this one area of cancer cure, then perhaps we can locate other common bonds to help move the world away from the precipice of war to the more fruitful fields of peace, using our large treasury of resources to eliminate misery, poverty, disease, and injustice. This could be our first mutual step.

I look forward to your reply.

Sincerely,

CORNELIUS E. GALLAGHER,
Member of Congress.

MOSCOW, OCT. 30, 1970.

Hon. CORNELIUS E. GALLAGHER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GALLAGHER: I received your letter and fully share your concern over the problem which cancer diseases present to the health and lives of millions of people.

In the Soviet Union, as the American oncologists are well aware, much has been done in the field of prevention and treatment of cancer. But we, of course, are not going to limit ourselves to what has been done up to now. In 1969 the Soviet government took a decision to construct a new big oncological center in Moscow.

Cooperation between the Soviet and American oncologists in this important area of medical and biological science can, undoubtedly, play a positive role in achieving the noble goal of saving mankind from this formidable disease. The Soviet Union on its part is ready to further expand cooperation with the United States in this and other areas of medicine.

The suggestion to start a kind of "competition" between the USSR and the USA in combating cancer does not seem to me to be appropriate. In our opinion, in such a noble area as fight against cancer and other diseases it makes more sense to proceed by uniting the efforts of various countries rather than by rousing rivalry among them.

Availing myself of this opportunity I would like to ask you to convey my best wishes to the citizens of the town of Glassboro which is within your congressional district. I recall with appreciation the hospitality shown to me by the citizens of that town.

Sincerely,

A. KOSYGIN.

I wish to applaud President Nixon who on May 11, 1971 in his state of the Union speech adopted my proposal and made the cure of cancer a national goal of the United States. From that moment on the campaign gathered momentum until we now have the President and the Congress united in its purpose that that war on cancer will be funded and will be fought unconditionally until this dreaded disease is eliminated. My feeling today is quite different from those days when I wrote to Mr. Kosygin. This is a rewarding moment.

As the one who originated the concept of a national war on cancer, I applaud this action in the House as a significant milestone in the campaign to conquer this dreaded disease which has cast its long shadow over so many homes.

I realize that differences exist between this leigslation and that passed by the other body and it is my fervent hope that these can be ironed out quickly so that we may get on with the job at hand.

After all the important thing is that the Nation mount a commitment so that a cure for cancer can be found, and found as quickly as possible. When you consider that about 52 million people now living in the United States probably will have some form of cancer during their lives and that about 34 million of them will die from this disease unless new treatments or cures are found it is quite obvious why it is important that we move forward.

I take pride, Mr. Speaker, in knowing that it was back in 1969 that I proposed a resolution in this House to increase cancer research and to eliminate cutbacks which were being made at that time.

Then in 1970 and again this year I offered a resolution which finds that it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade. This year the number of cosponsors reached almost 140. My proposal had the backing of over 600 scientists, researchers, and doctors.

I even wrote Soviet Premier Kosygin suggesting international cooperation in the battle against cancer, a disease which claimed Mr. Kosygin's wife several years ago. Interestingly enough he agreed with me and when he responded to my letter suggested that this be a war which the United States and the Soviet Union could wage together for mankind.

We cannot stand by while this disease continues to reap its harvest from the world's population. It now has reached the horrible level of claiming more than 300,000 Americans each year. What a waste, Mr. Speaker, what a waste. How many great minds have been cut off from the Nation because of our failure to cure cancer? How much love have we lost for our failure to cure cancer?

The approach which I sponsored called for spending of no less than $650 million a year for 10 years on the national cancer research program, with $250 million of this to build five new cancer research institutes during the initial 2 years.

I notice that the funding level in this 3-year authorization bill totals almost $1.6 billion, which figures out to be about $530 million annually, and that the bill envisions authority to support 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Another valuable feature of this legislation is the inclusion of specific authorization—$90 million over the 3-year period—to reactivate the cancer control programs which were financially phased out a year ago.

I recognize that the legislation passed by the other body would create a new agency which technically would remain within the existing National Institutes of Health but would have independent status and would report directly to the President while this legislation is geared toward strengthening the National Cancer Institute.

While these are different roadways, the objective at the end of the journey is the same. We all want an end to the pain, suffering and death wrought by this killer disease. And it is in this spirit, Mr. Speaker, that I am sure the conferees of the two bodies will meet to find a commonly desired route to conquer cancer. As I have tried to stress during this debate, what is important is that we get this program moving immediately. We need to insist that enough money is provided for a cancer cure commitment.

What we need is a massive human lobby, a lobby for life, which will insist that the Government provide the money for a cancer cure commitment.

Cancer already has claimed far too many victims, Mr. Speaker, and it is a staggering thought to realize that more than 1 million citizens of our great Nation are under treatment for this killer disease.

It is past time that we gear up for an all-out war on cancer. Let us hope and pray, Mr. Speaker, that with such a concerned effort by everyone concerned the day may come when even the word cancer is eliminated from our medical language. Now let us begin.

Mr. KYROS. Mr. Speaker, 2 weeks ago a unanimous Subcommittee on Public Health and Environment, of which I am a member, reported to our full committee, H.R. 10681, as amended, the National the Roswell Park Memorial Cancer Instiby our subcommittee, including a visit to Cancer Attack Act of 1971. This action tute in Buffalo, N.Y., and hours of consideration in executive session. It is our followed more than 4 weeks of hearings unanimous position that the national at-

tack on cancer can best be approached through streamlining the National Cancer Institute, while maintaining the integrity of the National Institutes of Health, the world's foremost national institute. In fact and in form, I feel it would be a great error to separate the Cancer Institute from the other nine member institutes of the NIH, all of which have contributed to some degree in cancer research. To me, it makes no sense to separate cancer research from this enormous scientific community, when indeed to achieve our goal, we should open lines of coordination and cooperation. As an example of this, our most recent breakthrough on leukemia came as a result of research on sponges, and our latest advance in the role of viruses in cancer came from a man working on polio virus.

Besides maintaining the integrity of NIH, our bill makes the following eight improvements in existing law:

First, it provides for a speedup of procedure of the existing grant process by allowing grants of $35,000 and under to be reviewed by peer groups on merit, and then passed to the Director of NCI for approval, instead of the present procedure, which requires waiting for additional approval by the National Cancer Advisory Council. This will accelerate approval of nearly 40 percent of all grant applications.

A second speedup provision allows the NCI Director to call in the NCAC at any time. Presently, this group meets only quarterly. This allows for fast consideration of grants that look promising, and could result in a breakthrough. There are no such provisions in the Senate bill.

Second, clinical research centers, which now number eight will be increased by 15 and will be eligible for block grants from the NCI Director. These grants can provide for up to $5 million annually to each center. In the past, as many as 30 or 40 separate grants were required to maintain a clinic's work.

Third, cancer control programs which were financially phased out a year ago will be reactivated and placed under the control of NCI. Funds for these programs over a 3-year period are $90 million. This includes Pap tests for cervical cancer, breast checks and oral examinations, and the training for personnel in cancer. The gathering of cancer statistics will also be included to give the medical-scientific communities better profiles of the disease.

Fourth, the budget for NCI will be sent directly to the President, with the Director of NIH and the Secretary of Health, Education, and Welfare instructed to comment, but not alter it. As a further check on the adequacy of the budget, the outside National Cancer Advisory Council will also comment.

Fifth, the budget proposed in the bill is $1.590 billion for 3 years. The Senate bill has no money figures.

Sixth, the Director of the NCI will be given the title of Associate Director and to give notice that the bill will not have the undesirable effect of downgrading the two other major institutes, this position will also be given the directors of the National Heart and Lung Institute and the National Institute of Neurological Diseases and Stroke.

Seventh, because of the President's interest and concern over the problem the committee bill has created a three-man panel to oversee the NCI as the President's watchdog. They will report to the President as to the progress, effectiveness and operations of NCI and make recommendations to the President.

Eighth, to develop a comprehensive program, the bill requires a national plan of attack, a feature also not covered in the Senate bill.

I regret that so serious and so critical an issue as the national attack on cancer has become much too political. This is, unfortunately, due largely to the recent expenditure of $53,000 to place full page ads in over 20 newspapers, including those in the congressional districts of every member of our subcommittee. These ads, which voiced support of the Senate version, somehow failed to mention the existence of the House bill or the fact that our subcommittee has heard from over 50 witnesses during hearings on the various cancer bills. I believe, however, that any attempts to stampede the Congress will fail. Since the appearance of these ads, editorial comment has begun to focus on the merits of the House approach. Every recent editorial I have seen on the subject endorses the House subcommittee measure.

The House approach has been endorsed by a considerable number of scientific and medical organizations—including the American Medical Association, the Association of American Medical Colleges, the Association of Professors of Medicine, the National Academy of Sciences, the American Hospital Association—as well as several Nobel laureates, including Dr. Charles Huggins, who received the Nobel prize for the treatment of cancer patients. Indeed, as recently pointed out in Science magazine:

> No major scientific body apart from the American Cancer Society supports the (Senate) proposal.

I believe that our approach, which streamlines the cancer fight and yet prevents unwarranted fracturalization of the National Institutes of Health, is by far the most sensible and most efficient means to attack cancer, and I urge support of the committee action by the House.

Mr. PODELL. Mr. Speaker, we have before us today for the first time a comprehensive bill designed to attack America's most dreaded disease—cancer. The National Cancer Attack Act of 1971 proposes to channel American knowledge and ingenuity toward the conquest of this killing disease. By passing this most needed legislation, we will, over the next 3 years, spend over a billion and a half dollars in assaulting the mysteries of cancer. This money will be spent for construction, operation, and repair of cancer centers, laboratories, research, related facilities, and the employment of scientists, doctors, researchers, and other personnel in this fight.

The Cancer Act will authorize funds that would be spent over the next 3 years for the establishment of 15 new cancer centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods. This landmark legislation would also allow for the harmonization of State and other health organization's programs. In carrying out its attack on cancer, the National Cancer Institute, under the auspices of the National Institutes of Health—NIH—will coordinate a tremendous number of activities. The cancer attack program under this legislation will plan and develop an expanded, intensified, and coordinated cancer research program, will have the full cooperation and the use of existing research facilities and personnel of NIH, will coordinate any cancer research done by private industries, will produce and distribute on a large scale the specialized biological materials and substances necessary for research, and disseminate all gathered data throughout the world for the ultimate victory over this disease.

The Conquest of Cancer Act, as presently envisioned, utilizes all the available resources of NIH by retaining the Cancer Institute within the National Institutes' organization. However, another approach has been suggested by equally concerned and dedicated people. These individuals contend that Congress should create a separate agency for the purpose of achieving the conquest of cancer. While I would vote for this other approach, with equal vigor, I believe that the organizational setup as envisioned in H.R. 11302 is superior.

Under the unified approach of this bill, the Cancer Institute will have the advantage of utilizing the biomedical resources of NIH. This coordinated approach, aimed at finding a cure for cancer, will bring to bear the combined knowledge of the Cancer Institute and the National Institutes of Health. The use of already existing research facilities and personnel will accelerate the exploration of opportunities for the conquest of cancer while avoiding the difficult problem of forming a whole new organization, administrative entanglements, obtaining office space and setting up laboratories and research facilities.

On the other hand, in order to set up an independent agency to attain the conquest of cancer, our Government would need to spend enormous additional amounts of money. The NIH already has experienced personnel and existing facilities that would be duplicated if the Cancer Institute became an independent agency. The taxpayers money would be far better spent on fighting cancer rather than in creating additional agencies.

We already suffer from a proliferation of bureaucracy in the form of different commissions and agencies. Advisory commissions alone spend approximately $75 million a year for operating expenses.

Proponents of the independent agency approach to achieve the conquest of cancer further argue that far greater achievements are possible if the cancer agency is independent of NIH. In underscoring their argument, the National Aeronautics and Space Administration—NASA—is singled out as an independent agency that brought about quick and spectacular results in the field of space exploration. It is my belief that the achievements of NASA were caused by our already advanced technology in

space research and not because NASA was an independently created agency.

NASA became an independent agency not because of an attempt to make it a success, but rather, because of the world situation existing at the time of NASA's creation. Congress intent in setting up NASA was not to establish another Federal agency, but rather, to take space research and exploration out of our defense budget. During the time of heightened tensions with the Russians, Americans criticized our large expenditures for defense as a reason for the continuation of the cold war. To show the Russians not all of our moneys were directed toward bombs, but also toward peaceful research, we separated our space program from the Defense Establishment. NASA's success was a result of tremendous research done prior to its inception and it was not successful solely because it became an independent agency.

For the reasons mentioned above, I favor the conquest of cancer bill (H.R. 11302) now before the House. I want to see this bill adopted without change, but most of all, I want to see an end to cancer. To spur us toward this goal, I would like to pass on some startling statistics for my colleagues. Of the more than 200 million Americans living today, 25 percent, or 50 million, will in some way or another be inflicted with a form of cancer. In addition, 17 percent of all Americans, or 34 million people will die of one form of cancer or another. We must pass into law the most effective means of saving those lives.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise today in support of H.R. 11302, the National Cancer Attack Act of 1971, and I strongly urge my colleagues to lend their active support to this vital legislation.

The President has expressed the need for an intensive campaign to find a cure for cancer. The Congress has recognized this need and the study done by the Subcommittee on Public Health and the Environment has been intensive. The bill before us today is the product of this study and was unanimously reported to the House Interstate and Foreign Commerce Committee on which I am proud to serve. The full committee subsequently overwhelmingly endorsed the subcommittee bill.

The research into the causes of cancer has shown the picture to be a many faceted one. It is because of the wide spectrum of research that is presently being conducted that the Interstate and Foreign Commerce Committee has recommended that the national program for the conquest of cancer be retained within the National Cancer Institute of the National Institutes of Health. The need for a well-integrated plan of biomedical research and a flexible administration of these programs has been urged by the leading scientists in the cancer research field. Research scientists testifying before the House subcommittee indicated their preference that this invaluable work be continued within the existing structure of the National Institutes of Health. The Director of the National Cancer Institute, in his capacity as an Associate Director of the National Institutes of Health, would assure this coordinated effort and maintain the vital interrelationships among the scientific community.

Notwithstanding our hopes, it is not likely that the conquest of cancer is imminent. Too many questions remain unanswered.

No one disputes the need for additional moneys to continue and intensify the battle, but money is not the only answer. We must recognize that only through the introduction of new ideas and new testing methods can we hope to win this struggle.

It has been suggested that the program for cancer research "make haste more slowly." We must proceed in a sure and deliberate manner to insure that we reach our goal.

I believe that this bill before us today gives us the tools with which to work that goal—the conquest of cancer.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 11302, as amended.

The question was taken.

Mr. ADAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 5, not voting 75, as follows:

[Roll No. 386]

YEAS—350

Abernethy	Byrne, Pa.	Eckhardt
Abourezk	Byrnes, Wis.	Edmondson
Abzug	Byron	Edwards, Ala.
Addabbo	Caffery	Edwards, Calif.
Anderson, Calif.	Camp	Eilberg
	Carey, N.Y.	Erlenborn
Anderson, Tenn.	Carney	Esch
	Carter	Eshleman
Andrews, Ala.	Casey, Tex.	Evans, Colo.
Andrews, N. Dak.	Cederberg	Evins, Tenn.
	Celler	Fascell
Annunzio	Chamberlain	Findley
Archer	Clancy	Fish
Arends	Clark	Fisher
Aspin	Clawson, Del	Flood
Aspinall	Clay	Flowers
Badillo	Cleveland	Flynt
Baker	Collier	Foley
Baring	Collins, Tex.	Ford, Gerald R.
Begich	Colmer	Forsythe
Belcher	Conable	Fountain
Bennett	Conte	Fraser
Bergland	Cotter	Frenzel
Betts	Coughlin	Frey
Bevill	Crane	Fulton, Tenn.
Biaggi	Culver	Fuqua
Biester	Daniel, Va.	Gallagher
Bingham	Daniels, N.J.	Garmatz
Boggs	Davis, Ga.	Gaydos
Boland	Davis, S.C.	Gettys
Bow	Davis, Wis.	Giaimo
Brademas	de la Garza	Goldwater
Bray	Delaney	Gonzalez
Brinkley	Dellenback	Grasso
Brooks	Denholm	Gray
Broomfield	Dennis	Green, Oreg.
Brotzman	Dent	Green, Pa.
Brown, Mich.	Devine	Griffin
Brown, Ohio	Dickinson	Griffiths
Broyhill, N.C.	Dingell	Gross
Broyhill, Va.	Donohue	Grover
Buchanan	Dorn	Gubser
Burke, Fla.	Dow	Gude
Burke, Mass.	Drinan	Hagan
Burleson, Tex.	Duncan	Haley
Burlison, Mo.	du Pont	Hall
Burton	Dwyer	Hamilton
Hammer-schmidt	Mayne	Satterfield
Hanley	Mazzoli	Saylor
Hanna	Meeds	Scherle
Hansen, Wash.	Michel	Scheuer
Harrington	Miller, Ohio	Schmitz
Harsha	Mills, Ark.	Schneebeli
Harvey	Mills, Md.	Schwengel
Hastings	Minish	Scott
Hathaway	Mink	Sebelius
Hawkins	Minshall	Seiberling
Hays	Mizell	Shipley
Hechler, W. Va.	Mollohan	Shoup
Heckler, Mass.	Monagan	Shriver
Heinz	Montgomery	Sikes
Helstoski	Morgan	Sisk
Henderson	Morse	Slack
Hicks, Mass.	Murphy, Ill.	Smith, Calif.
Hicks, Wash.	Murphy, N.Y.	Smith, Iowa
Hillis	Myers	Snyder
Hogan	Natcher	Spence
Holifield	Nedzi	Springer
Horton	Nelsen	Staggers
Hosmer	Nichols	Stanton, J. William
Howard	Nix	
Hull	Obey	Stanton, James V.
Hungate	O'Hara	
Hunt	O'Konski	Steele
Hutchinson	O'Neill	Steiger, Ariz.
Ichord	Passman	Steiger, Wis.
Jacobs	Patman	Stephens
Jarman	Patten	Stratton
Johnson, Calif.	Pepper	Stubblefield
Johnson, Pa.	Perkins	Sullivan
Jonas	Pettis	Symington
Jones, N.C.	Peyser	Talcott
Jones, Tenn.	Pickle	Taylor
Karth	Pike	Teague, Calif.
Kastenmeier	Pirnie	Teague, Tex.
Kazen	Poage	Terry
Keating	Podell	Thompson, Ga.
Kee	Poff	Thompson, N.J.
Keith	Powell	Thomson, Wis.
Kemp	Preyer, N.C.	Thone
King	Price, Ill.	Udall
Kluczynski	Price, Tex.	Ullman
Koch	Pryor, Ark.	Van Deerlin
Kuykendall	Pucinski	Vander Jagt
Kyl	Quie	Vanik
Kyros	Quillen	Veysey
Landgrebe	Railsback	Waggonner
Landrum	Randall	Waldie
Latta	Rarick	Ware
Leggett	Rees	Whalen
Lennon	Reid, N.Y.	White
Lloyd	Reuss	Whitehurst
Long, Md.	Rhodes	Whitten
Lujan	Riegle	Wiggins
McClory	Robinson, Va.	Williams
McCollister	Robison, N.Y.	Wilson, Bob
McCormack	Rodino	Winn
McCulloch	Roe	Wolff
McDade	Rogers	Wyatt
McEwen	Roncalio	Wydler
McFall	Rooney, Pa.	Wylie
McKinney	Rostenkowski	Wyman
McMillan	Roush	Yates
Madden	Roy	Yatron
Mahon	Roybal	Young, Fla.
Mailliard	Ruppe	Young, Tex.
Martin	Ruth	Zablocki
Matsunaga	Ryan	Zion
	St Germain	

NAYS—5

Adams	Corman	Tiernan
Brasco	Rooney, N.Y.	

NOT VOTING—75

Abbitt	William D.	Mitchell
Alexander	Frelinghuysen	Moorhead
Anderson, Ill.	Galifianakis	Mosher
Ashbrook	Gibbons	Moss
Ashley	Goodling	Pelly
Barrett	Halpern	Purcell
Bell	Hansen, Idaho	Rangel
Blackburn	Hébert	Roberts
Blanton	Jones, Ala.	Rosenthal
Blatnik	Lent	Rousselot
Bolling	Link	Runnels
Cabell	Long, La.	Sandman
Chappell	McCloskey	Sarbanes
Chisholm	McClure	Skubitz
Clausen, Don H.	McDonald, Mich.	Smith, N.Y.
		Steed
Collins, Ill.	McKay	Stokes
Conyers	McKevitt	Stuckey
Danielson	Macdonald, Mass.	Vigorito
Dellums		Wampler
Derwinski	Mann	Whalley
Diggs	Mathias, Calif.	Widnall
Dowdy	Mathis, Ga.	Wilson, Charles H.
Downing	Melcher	
Dulski	Metcalfe	Wright
Edwards, La.	Mikva	Zwach
Ford,	Miller, Calif.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Mann with Mr. Derwinski.
Mr. Blatnik with Mr. Frelinghuysen.
Mr. Dowdy with Mr. Blackburn.
Mr. Macdonald of Massachusetts with Mr. Bell.
Mr. Charles H. Wilson with Mr. McCloskey.
Mr. Abbitt with Mr. Ashbrook.
Mr. Barrett with Mr. Goodling.
Mr. Ashley with Mr. Don H. Clausen.
Mr. Downing with Mr. Hansen of Idaho.
Mr. Dulski with Mr. Metcalfe.
Mr. Moorhead with Mr. Lent.
Mr. Moss with Mr. McClure.
Mr. Mikva with Mrs. Chisholm.
Mr. Miller of California with Mr. McDonald of Michigan.
Mr. Mathis of Georgia with Mr. McKevitt.
Mr. Link with Mr. Pelly.
Mr. Jones of Alabama with Mr. Rousselot.
Mr. Cabell with Mr. Mathias of California.
Mr. Chappell with Mr. Sandman.
Mr. Roberts with Mr. Mosher.
Mr. Rosenthal with Mr. Conyers.
Mr. Vigorito with Mr. Collins of Illinois.
Mr. Stuckey with Mr. Skubitz.
Mr. Blanton with Mr. Smith of New York.
Mr. Sarbanes with Mr. Dellums.
Mr. McKay with Mr. Veysey.
Mr. William D. Ford with Mr. Stokes.
Mr. Galifianakis with Mr. Diggs.
Mr. Rangel with Mr. Halpern.
Mr. Runnels with Mr. Whalley.
Mr. Danielson with Mr. Mitchell.
Mr. Steed with Mr. Widnall.
Mr. Alexander with Mr. Zwach.
Mr. Gibbons with Mr. Purcell.
Mr. Melcher with Mr. Wright.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1828

An act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date

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 "Conquest of Cancer Act".

SEC. 2. The Public Health Service Act is amended by adding following section 406 the following:

"FINDINGS AND DECLARATION OF PURPOSE

"SEC. 407A. (a) The Congress hereby finds and declares—

"(1) that the incidence of cancer is increasing and is the major health concern of the American people;

"(2) that the attainment of better methods of prevention, diagnosis, and treatment of cancer deserve the highest priority; and

"(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

"(b) In order to carry out the policy set forth in this part it is the purpose of this part to establish a Conquest of Cancer Agency as an independent agency within the National Institutes of Health.

"CONQUEST OF CANCER AGENCY

"SEC. 407B. There is hereby established a Conquest of Cancer Agency as an independent agency within the National Institutes of Health.

"SEC. 407C. (a) The Conquest of Cancer Agency shall be administered by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve under the direction of the President. There shall be in the Agency 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 the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

"(b) The Director is authorized to appoint within the Agency not to exceed five Assistant Directors.

"FUNCTIONS OF THE AGENCY

"SEC. 407D. In order to carry out the purpose of this part, the Director shall—

"(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program, and shall administer the authority of the Secretary under this Act with respect to cancer;

"(2) make such grants or contracts as are desirable to accomplish the purposes of this part;

"(3) expeditiously utilize research facilities and personnel for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise;

"(4) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) strengthen existing cancer centers, and establish new cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

"(6) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country;

"(7) establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials;

"(8) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and the training of American scientists abroad and foreign scientists in the United States;

"(9) support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators and physicians for participation in the programs, including where appropriate the use of training stipends, fellowships, and career awards; and

"(10) prepare and submit an annual budget estimate for the program directly to the President for review and transmittal to Congress and receive from the President and the Office of Management and Budget directly the funds appropriated by Congress for obligation and expenditure by the Agency.

"ADMINISTRATIVE PROVISIONS

"SEC. 407E. (a) The Director is authorized, in carrying out his functions under this part, to—

"(1) appoint and fix the compensation of personnel of the Agency in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Director deems such action necessary to the discharge of his functions under this part, he may appoint not more than fifty of the scientific, professional, and administrative personnel of the Agency without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, at rates not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Director deems necessary to recruit specially qualified scientific or other professional personnel without previous competitive service he may establish the entrance grade therefore at not to exceed two grades above the grade otherwise established for such personnel under such provisions;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Agency and delegate any of his functions to any officer or employee under his direction or his supervision;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Agency for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services;

"(8) accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(9) enter into such contracts, leases, cooperative agreements, or other transactions without regard to section 529 of title 31, United States Code, as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public or nonprofit private agency, organization, or institution;

"(10) allocate and expend, or transfer to other Federal agencies for expenditure, including the National Institutes of Health, for cancer-related programs, such funds made available under this part as he deems necessary, including funds appropriated for construction, repairs, or capital improvements;

"(11) take necessary action together with the Director of the National Institutes of Health so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this Act between the National Cancer Institute and the other Insitutes of Health shall be maintained between the Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical, and biomedical disciplines; and

"(12) take such other actions as may be required for the accomplishment of the objectives of the Agency.

"(b) Upon request made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available, to the greatest practicable extent, consistent with other laws to the Agency in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Director shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (A) by utilizing, to the maximum extent possible, appropriate peer review groups within the National Institutes of Health, and (B) when appropriate, by establishing, with the approval of the National Cancer Advisory Board, other formal peer review groups as may be required.

"REPORTS

"SEC. 407F. The Director shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Agency during the preceding calendar year.

"NATIONAL CANCER ADVISORY BOARD

"SEC. 407G. (a) There is hereby established in the Agency a National Cancer Advisory Board to be composed of the Director of the National Institutes of Health and eighteen members appointed by the President, by and with the advice and consent of the Senate. Not more than twelve of the appointed members of the Board shall be scientists or physicians and not more than eight of the appointed members shall be representatives of the general public. Appointed members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Agency. The Secretary, the Director of the Office of Science and Technology, and the Director shall be ex officio members of the Board.

"(b)(1) Appointed members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, and six shall be appointed for a term of four years as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

"(c) The President shall designate one of the appointed members to serve as Chairman for a term of two years.

"(d) The Board shall meet at the call of the Chairman but not less often than four times a year and shall advise and assist the Conquest of Cancer Agency in the development and execution of the program.

"(e) The Director of the Conquest of Cancer Agency shall designate a member of the staff of the Conquest of Cancer Agency to act as Executive Secretary of the Board.

"(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Conquest of Cancer Agency.

"(g) The Director shall submit to the Board for its evaluation, comments, and recommendations, each year's program plan and budget prior to the formal submission of the budget request to the President.

"(h) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Conquest of Cancer Agency toward the accomplishment of its objectives.

"(i) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this section shall serve as additional members of the Board for the duration of their terms then existing, or for such shorter time as the President may prescribe.

"(j) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for person in the Government service employed intermittently.

"(k) The Director shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

"(l) The board shall insure that the Director, by regulations, maintains scientific peer review of research grants and programs.

"DEFINITIONS

"SEC. 407H. For the purpose of this Act the term—

"(1) 'Director' means the Director of the Conquest of Cancer Agency;

"(2) 'Agency' means the Conquest of Cancer Agency;

"(3) 'Board' means National Cancer Advisory Board;

"(4) 'cancer center' means such cancer research facilities as the Director determines are appropriate to carry out the purposes of this part, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

"(5) 'construction' includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

"(6) 'function' includes power and duty; and

"(7) 'Federal agency' means any department, agency, or independent establishment of the executive branch of the Government including any wholly owned Government corporation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. For the purpose of carrying out any of the programs, functions, or activities authorized by this part, there are authorized to be appropriated for each fiscal year such sums as may be necessary."

COMPENSATION OF THE DIRECTOR AND THE DEPUTY DIRECTOR

SEC. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Director, Conquest of Cancer Agency."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Deputy Director, Conquest of Cancer Agency."

SEC. 4. (a) The heading of title IV of the Public Health Service Act is amended to read "TITLE IV—CONQUEST OF CANCER AGENCY; NATIONAL RESEARCH INSTITUTES".

(b) The heading to part A of title IV of such Act is amended to read "Part A.—CONQUEST OF CANCER AGENCY AND NATIONAL CANCER INSTITUTE".

NATIONAL CANCER INSTITUTE MADE PART OF CONQUEST OF CANCER AGENCY

SEC. 5. (a) Section 401 of the Public Health Service Act, including the heading thereto, is amended to read as follows:

"NATIONAL CANCER INSTITUTE

"SEC. 401. The National Cancer Institute shall be a part of the Conquest of Cancer Agency.".

(b) Section 402 of the Public Health Service Act is amended by striking out all that precedes clause (a) of such section, except the heading thereof, and inserting the following in lieu of such stricken matter:

"SEC. 402. In carrying out the purposes of section 301 with respect to cancer, the Conquest of Cancer Agency, in consultation with the National Cancer Advisory Board, shall—".

(c) Section 403 of the Public Health Service Act is amended (1)(A) by striking out "Surgeon General" wherever it appears in such section and inserting "Conquest of Cancer Agency" in lieu thereof; (B) by striking out "he" and "him" wherever either appears in such section and inserting "the agency" in lieu thereof; and (C) by striking out "section 402" wherever it appears and inserting "section 402 and section 407D" in lieu thereof; and (2) by striking out "Institute" in subsection (b) thereof and inserting in lieu thereof "Agency or Institute".

MERGER OF FUNCTIONS OF NATIONAL ADVISORY CANCER COUNCIL

SEC. 6. (a)(1) Sections 301(d), 301(l), 403(b), and 403(c) of the Public Health Service Act are amended by striking out "National Advisory Cancer Council" and "National Cancer Advisory Council" as it may variously appear therein, and inserting in lieu thereof "National Cancer Advisory Board". The word "Council" as used in any such section to describe the National Advisory Cancer Council or the National Cancer Advisory Council, is amended to read "Board".

(2) Section 217 of such Act is amended by striking out "the National Advisory Cancer Council" wherever it may appear.

(b)(1) Section 404 of the Public Health Service Act is amended by striking out "The council is authorized" preceding clause (a), and inserting in lieu thereof "The National Cancer Advisory Board is authorized".

(2) Such section is further amended (A)

by striking out "Surgeon General" wherever it may appear and inserting in lieu thereof "Conquest of Cancer Agency"; (B) in clause (a) thereof by striking out "section 402" and inserting "section 402 or section 407D" in lieu thereof.

EFFECTIVE DATE

SEC. 7. (a) The amendments made by the preceding provisions of this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding the provisions of subsection (a), members of the National Cancer Advisory Board (as authorized under section 407G of the Public Health Service Act, as amended by this Act) may be appointed in the manner provided for in such section, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in section 407G of the Public Health Service Act, as amended by this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Conquest of Cancer Agency pursuant to this Act.

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 1828 and insert in lieu thereof the provisions of H.R. 11302, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11302) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DUES FOR U.S. MEMBERSHIP IN INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

The Clerk read as follows:

H.R. 11350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 10, 1938, as amended (22 U.S.C. 263a), is further amended by deleting "$28,500" and inserting in lieu thereof "$55,000".

SEC. 2. The Secretary of the Treasury is authorized to pay to the International Criminal Police Organization the unpaid balance of the dues for the calendar year 1970. There is authorized to be appropriated not to exceed $23,000 to carry out the provisions of this section.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, the bill H.R. 11350 would increase the limit on dues for U.S. membership in the International Criminal Police Organization and would allow the United States to pay that part of its calendar year 1971 dues which it has not been able to pay because of the present statutory ceiling.

Mr. Speaker, Interpol, the International Criminal Police Organization, is independent of the United Nations and other world agencies. It is an independent organization of 109 member countries designed to coordinate the police work of its members in law enforcement and crime prevention. It has become increasingly involved in fighting international drug traffic, and it should play an important role in this effort in the future.

Interpol performs no independent investigatory functions, but rather serves to transmit the needs of one country to another. For example, if a fugitive from the United States is thought to be fleeing to France, Interpol is the mechanism whereby we request the assistance of the French police in apprehending the individual. Within the United States, Interpol is represented by the Treasury Department.

Under existing law, 22 U.S.C. 263(a), there is a ceiling of $28,500 per annum on the total dues to be paid by the United States for membership in Interpol. H.R. 11350 raises the ceiling to take account of an increase in dues effective in the calendar year 1970 and provides authorization for payment of part of our 1970 dues which are still outstanding. Legislation was introduced in the last session to raise the limit, but no action was taken, and the United States could not pay its dues in full because of the statutory limit.

The United States share of the costs of Interpol represents only about 6 percent of the total amount of dues payable and is equivalent to the individual shares to be paid by each of the following members: France, Germany, United Kingdom, and Italy.

The limit established by H.R. 11350 is that proposed by the Treasury Department with a very slight cushion to take account of fluctuations in the dollar which have caused the Treasury Department to modify its original request.

Mr. Speaker, H.R. 11350 allows continued U.S. support of an international police organization which provides vitally important services to our country. This measure received the unanimous support of the Judiciary Committee and warrants the same acceptance by this body.

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

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. This is a five-nation organization, is that correct?

Mr. EDWARDS of California. No, that is not correct. It is an organization of many countries. There is a list of the countries in the hearings. The five mentioned are the major contributors, each contributing 6 percent of the annual dues.

Mr. GROSS. But the other four countries are contributing 6 percent. Do I correctly assume from this that some of the other 119 countries in this organization are paying less?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. It is not contemplated that the United States pay more than 6 percent?

Mr. EDWARDS of California. No, that is certainly not contemplated.

Mr. GROSS. Nor is it contemplated that this will ever become an international police force or be other than a clearinghouse for information; is that correct?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. EDWARDS of California. I yield to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. I thank the gentleman for yielding.

Mr. Speaker, I strongly urge the passage of H.R. 11350, which was introduced at the request of the Department of the Treasury.

The bill has two related purposes: First, to increase the authorization for payment of the annual dues of the United States to the International Criminal Police Organization—Interpol—and, second, to authorize payment of the unpaid balance of this country's Interpol dues for calendar year 1970.

It is imperative that both of these steps be taken promptly, if the United States is to maintain in good standing its membership in this very worthwhile international organization. The Congress has not raised the $28,500 statutory ceiling on the authorization for payment of our annual Interpol dues since the general assembly of Interpol voted a general dues increase in 1969.

Computed at the current rate of exchange of U.S. dollars to Swiss francs, the current annual dues assessed against the United States amount to approximately $53,550. The slightly higher authorization contained in section 1 of the bill, $55,000, was provided to allow for possible additional small fluctuations in the exchange rate before the dues are actually paid.

Likewise, the authorization for payment of $23,000 in back dues contained in section 2 of the bill was based on the figure of $22,254.36 which the United States is computed at current exchange rates to owe for calendar year 1970.

Since 1938 this country has maintained membership in Interpol, which collects and disseminates information about individual criminal offenders and offenses

to authorized police agencies in the 109 participating nations.

Interpol is completely independent of the United Nations and maintains its own Secretariat in Paris which is staffed by experts in various enforcement fields who prepare reports and studies on law enforcement subjects of international concern. U.S. membership significantly assists American efforts to combat such illicit activities as smuggling, counterfeiting and trafficking in illegal drugs.

The annual dues currently assessed against the United States represent only about 6 percent of the total amount of dues payable by member nations, and is the same portion paid by each of several countries which are considerably smaller in population than the United States: France, Germany, Italy, and the United Kingdom.

The Department of the Treasury, which since 1958 has been officially designated by the Attorney General as the U.S. representative to Interpol, assured the subcommittee during hearings held on this bill in September that, in light of the benefits which accrue to American law enforcement agencies from U.S. membership in Interpol, the relatively modest U.S. expenditure for dues to the organization represents a real "bargain."

I am confident that the House will agree and pass H.R. 11350 today.

Mr. EDWARDS of California. I yield such time as he may consume to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I was pleased to join with the distinguished chairman of the Committee on the Judiciary (Mr. CELLER) in sponsoring H.R. 11350, a bill to raise the statutory ceiling on the total annual dues authorized to be paid by the United States for membership in the International Criminal Police Organization.

The bill also authorizes the Secretary of the Treasury to pay approximately $23,000 in dues to the organization still owed by the United States for calendar year 1970.

These supplemental and increased annual authorizations are made necessary by an increase in annual dues assessed against each member nation by the membership of Interpol in 1969.

The United States benefits from its membership in Interpol more than our relatively small annual expenditure for dues would suggest. Unlike the United Nations, Interpol does not look to this country for payment of a grossly disproportionate share of its annual operating expenses. On the contrary, it would appear from the evidence adduced at the hearings which the subcommittee conducted on this bill that the United States actually pays less for its membership in Interpol than our use of its services and facilities might justify, on a strictly proportional basis.

For example, during fiscal year 1971 fully 37 percent of the requests for information on various international criminals and offenses processed through the National Central Bureau of Interpol for the United States, located in the main Treasury Building in Washington, were made by various local, State, and Federal law enforcement agencies to foreign police agencies, while the remaining 63 percent of the cases involved requests for information made to American police agencies by foreign law enforcement organizations.

The U.S. share of the total dues assessed all member nations is no greater than the shares of Britain, France, Germany, or Italy, which are all classified as "group I members" along with the United States.

Interpol maintains a relatively small but highly skilled staff at its headquarters near Paris, where records of fingerprints, modus operandi, and other useful information on international criminals is stored. The staff engages in research and the preparation of studies on topics of interest to law enforcement agencies working in the international area.

Perhaps most importantly, there can be cited specific cases in which use of the services of Interpol by American law enforcement officers has facilitated the arrest of persons engaged in illicit international operations. On June 3, 1971, for example, the Bureau of Customs seized over 200 pounds of hashish in Hollywood, Calif., as a result of a tip passed along from Interpol Damascus to Interpol Washington.

It is arguable that only a few cases such as this—and there are indeed others—would justify the annual expenditure of the relatively small sums authorized by this bill.

It is important to law enforcement agencies operating at every level of government in the United States that we maintain our membership in the only international agency for police cooperation existing today. This country has belonged to Interpol since 1938, and today more than ever, that membership is valuable to the internal peace and security of the United States.

I urge the House most earnestly to allow the Treasury Department to continue American cooperation with law enforcement agencies throughout the world by passing H.R. 11350.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. MCFALL). The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 11350.

The question was taken.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 347, nays 0, not voting 83, as follows:

[Roll No. 387]

YEAS—347

Abernethy	Andrews, N. Dak.	Baker
Abourezk	Annunzio	Baring
Abzug	Archer	Begich
Adams	Arends	Bennett
Addabbo	Aspin	Bergland
Anderson, Calif.	Aspinall	Betts
Andrews, Ala.	Badillo	Bevill
Biester	Gray	Nelsen
Bingham	Green, Pa.	Nichols
Blanton	Griffin	Nix
Boggs	Griffiths	Obey
Boland	Gross	O'Hara
Bow	Grover	O'Konski
Brademas	Gubser	O'Neill
Brasco	Gude	Passman
Bray	Hagan	Patman
Brinkley	Haley	Patten
Brooks	Hall	Pepper
Broomfield	Hamilton	Perkins
Brotzman	Hammer-schmidt	Pettis
Brown, Mich.	Hanley	Peyser
Brown, Ohio	Hansen, Wash.	Pickle
Broyhill, N.C.	Harrington	Pike
Broyhill, Va.	Harsha	Pirnie
Buchanan	Harvey	Poage
Burke, Fla.	Hastings	Podell
Burke, Mass.	Hathaway	Poff
Burleson, Tex.	Hawkins	Powell
Burlison, Mo.	Hays	Preyer, N.C.
Burton	Hechler, W. Va.	Price, Ill.
Byrne, Pa.	Heinz	Price, Tex.
Byrnes, Wis.	Helstoski	Pryor, Ark.
Byron	Henderson	Pucinski
Caffery	Hicks, Mass.	Quie
Camp	Hicks, Wash.	Quillen
Carey, N.Y.	Hillis	Railsback
Carney	Hogan	Randall
Carter	Holifield	Rarick
Casey, Tex.	Horton	Rees
Cederberg	Hosmer	Reid, N.Y.
Celler	Howard	Reuss
Chamberlain	Hull	Rhodes
Clancy	Hungate	Riegle
Clark	Hunt	Robinson, Va.
Clawson, Del	Hutchinson	Robison, N.Y.
Clay	Ichord	Rodino
Cleveland	Jacobs	Roe
Collier	Jarman	Rogers
Collins, Tex.	Johnson, Calif.	Roncalio
Colmer	Johnson, Pa.	Rooney, N.Y.
Conable	Jonas	Rooney, Pa.
Conte	Jones, N.C.	Rostenkowski
Corman	Jones, Tenn.	Roush
Cotter	Karth	Roy
Coughlin	Kastenmeier	Roybal
Crane	Kazen	Ruppe
Culver	Keating	Ruth
Daniel, Va.	Kee	Ryan
Daniels, N.J.	Keith	St Germain
Davis, Ga.	Kemp	Sarbanes
Davis, S.C.	King	Satterfield
Davis, Wis.	Kluczynski	Saylor
de la Garza	Koch	Scherle
Delaney	Kuykendall	Scheuer
Dellenback	Kyl	Schmitz
Denholm	Kyros	Schneebeli
Dennis	Landgrebe	Schwengel
Dent	Landrum	Scott
Devine	Latta	Seiberling
Dickinson	Leggett	Shipley
Dingell	Lennon	Shoup
Donohue	Lloyd	Shriver
Dorn	Long, Md.	Sikes
Drinan	Lujan	Sisk
Duncan	McClory	Slack
du Pont	McCollister	Smith, Calif.
Dwyer	McCormack	Smith, Iowa
Eckhardt	McCulloch	Snyder
Edmondson	McDade	Spence
Edwards, Ala.	McEwen	Springer
Edwards, Calif.	McFall	Staggers
Eilberg	McKinney	Stanton, J. William
Erlenborn	McMillan	Stanton, James V.
Esch	Madden	Steele
Eshleman	Mahon	Steiger, Ariz.
Evans, Colo.	Mailliard	Steiger, Wis.
Fascell	Martin	Stephens
Findley	Matsunaga	Stubblefield
Fish	Mayne	Sullivan
Fisher	Mazzoli	Symington
Flood	Meeds	Talcott
Flowers	Michel	Taylor
Flynt	Miller, Ohio	Teague, Calif.
Foley	Mills, Ark.	Terry
Ford, Gerald R.	Mills, Md.	Thompson, Ga.
Forsythe	Minish	Thomson, Wis.
Fountain	Mink	Thone
Fraser	Minshall	Tiernan
Frenzel	Mizell	Udall
Frey	Mollohan	Ullman
Fulton, Tenn.	Monagan	Van Deerlin
Fuqua	Montgomery	Vander Jagt
Gallagher	Morgan	Vanik
Garmatz	Morse	Veysey
Gaydos	Murphy, Ill.	Waggonner
Gettys	Murphy, N.Y.	Waldie
Giaimo	Myers	Wampler
Goldwater	Natcher	Ware
Gonzalez	Nedzi	
Grasso		

Whalen	Winn	Yatron
White	Wolff	Young, Fla.
Whitehurst	Wyatt	Young, Tex.
Whitten	Wydler	Zablocki
Wiggins	Wylie	Zion
Williams	Wyman	
Wilson, Bob	Yates	

NAYS—0

NOT VOTING—83

Abbitt	Ford,	Miller, Calif.
Alexander	William D.	Mitchell
Anderson, Ill.	Frelinghuysen	Moorhead
Anderson,	Galifianakis	Mosher
Tenn.	Gibbons	Moss
Ashbrook	Goodling	Pelly
Ashley	Green, Oreg.	Purcell
Barrett	Halpern	Rangel
Belcher	Hanna	Roberts
Bell	Hansen, Idaho	Rosenthal
Blackburn	Hébert	Rousselot
Blatnik	Heckler, Mass.	Runnels
Bolling	Jones, Ala.	Sandman
Cabell	Lent	Sebelius
Chappell	Link	Skubitz
Chisholm	Long, La.	Smith, N.Y.
Clausen,	McCloskey	Steed
Don H.	McClure	Stokes
Collins, Ill.	McDonald,	Stratton
Conyers	Mich.	Stuckey
Danielson	McKay	Teague, Tex.
Dellums	McKevitt	Thompson, N.J.
Derwinski	Macdonald,	Vigorito
Diggs	Mass.	Whalley
Dow	Mann	Widnall
Dowdy	Mathias, Calif.	Wilson,
Downing	Mathis, Ga.	Charles H.
Dulski	Melcher	Wright
Edwards, La.	Metcalfe	Zwach
Evins, Tenn.	Mikva	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Anderson of Illinois.

Mr. Anderson of Tennessee with Mr. Derwinski.

Mr. Blatnik with Mr. Frelinghuysen.

Mr. Dowdy with Mr. Blackburn.

Mr. Macdonald of Massachusetts with Mr. Bell.

Mr. Charles H. Wilson with Mr. McCloskey.

Mr. Abbitt with Mr. Ashbrook.

Mr. Barrett with Mr. Goodling.

Mr. Ashley with Mr. Don H. Clausen.

Mr. Downing with Mr. Hansen of Idaho.

Mr. Dulski with Mr. Metcalfe.

Mr. Moorhead with Mr. Lent.

Mr. Moss with Mr. McClure.

Mr. Mikva with Mrs. Chisholm.

Mr. Miller of California with Mr. McDonald of Michigan.

Mr. Mathis of Georgia with Mr. McKevitt.

Mr. Link with Mr. Pelly.

Mr. Jones of Alabama with Mr. Rousselot.

Mr. Cabell with Mr. Mathias of California.

Mr. Chappell with Mr. Sandman.

Mr. Roberts with Mr. Mosher.

Mr. Rosenthal with Mr. Conyers.

Mr. Vigorito with Mr. Collins of Illinois.

Mr. Stuckey with Mr. Skubitz.

Mr. Dow with Mr. Smith of New York.

Mr. Stratton with Mr. Dellums.

Mr. William D. Ford with Mr. Stokes.

Mr. Galifianakis with Mr. Diggs.

Mr. Rangel with Mr. Halpern.

Mr. Runnels with Mr. Whalley.

Mr. Danielson with Mr. Mitchell.

Mr. Steed with Mr. Widnall.

Mr. Alexander with Mr. Zwach.

Mr. Gibbons with Mr. Purcell.

Mr. Melcher with Mr. Wright.

Mr. Hanna with Mr. Sebelius.

Mr. Teague of Texas with Mr. Belcher.

Mrs. Green of Oregon with Mrs. Heckler of Massachusetts.

Mr. Evins of Tennessee with Mr. Mann.

Mr. ROONEY of New York changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed, H.R. 11350.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. SEBELIUS. Mr. Speaker, I was present in the House Chamber, seeking to reach the well to be recognized, when the vote was being announced. Had I been recorded, I would have voted "yea."

COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 132) extending the duration of copyright protection in certain cases.

The Clerk read as follows:

S.J. Res. 132

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, or by Public Law 91–555 (or by all or certain of said laws), would expire prior to December 31, 1972, such term is hereby continued until December 31, 1972.

The SPEAKER pro tempore. Is a second demanded?

Mr. RAILSBACK. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, is the gentleman who just demanded a second opposed to the bill and does he propose to vote against it?

The SPEAKER pro tempore. Is the gentleman from Illinois (Mr. RAILSBACK) opposed to the bill?

Mr. RAILSBACK. No; I am not, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Michigan (Mr. DINGELL) opposed to the bill?

Mr. DINGELL. I am, Mr. Speaker, and I do demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation can only be understood in the context of the projected general revision of the copyright law.

In the 90th Congress the Committee on the Judiciary processed and the House passed a general copyright law revision bill. Among many other provisions, that measure contained significant changes in the duration of copyright, from the present term of 28 years plus a 28-year renewal.

Under the revision proposal future copyrights are to receive a term measured by the life of the author plus 50 years. Copyrights already subsisting but not yet expired on the effective date of the revision are to receive a 19-year extension—from the present 56 years to 75 years.

Ever since we began work on the revision in 1962, the Committee on the Judiciary and the Congress have seen to it that subsisting copyright holders shall not lose the benefit of this extension of term merely because delays in the other body have prevented the revision bill from taking effect.

As a result, copyright holders have a real and reasonable expectancy that their copyright interests will survive long enough to benefit from the revision, an expectancy that should not now be thwarted. Certainly authors, composers, and lyricists should not be punished because of intransigence or because of delay in the other body.

I realize that some of my colleagues have become restive and believe that the interim extension should not be renewed. I believe, however, that we are confronted with a new situation. In introducing this measure in the other body, its author, the distinguished Senator from Arkansas (Senator MCCLELLAN) pointed out that the copyright revision bill has been delayed in the Senate principally because of the cable television controversy. He noted that the deadlock seemed about to be broken.

More recently—only last week, indeed—compromise of the CATV issue appears to be in the making, partly through intervention of the White House. However, adequate time does not remain for action on the copyright law revision bill and, therefore, another interim extension becomes necessary.

Since I received that communication from the Senator from Arkansas, I am informed that the compromise has been consummated due to the White House intervention, and that all difficulties between the broadcasting industry and the CATV are in process of being resolved and the way is now clear for the copyright law revision bill.

I know I shall be accused of inconsistency in supporting this measure, because last year I told the House that I would not support any further interim extension. Let me say a word about this. Much is going to be made, I think, by the gentleman from Michigan (Mr. DINGELL) because of my statement that I would not under any circumstances offer a renewal of the interim extension bill.

Apart from reflecting an unhealthy reliance on consistency for its own sake—and I remember Churchill once said, "I would rather be right than consistent," and I remember what Emerson said, that consistency was the hobgoblin of small minds—apart from reflecting an un-

healthy reliance on consistency for its own stake, this position ignores the significant changes that have taken place, the progress that appears to be under way in the Senate and among the parties with respect to the CATV issue, and the White House has now indicated a clear-cut effort to straighten this thing out.

I submit that my position is not significantly more inconsistent than is the posture of those who have in the past supported interim extensions but who now express elaborate concern about what they call "retrospective rewards of authorship at the expense of the public domain." Of course, copyright protection is at the expense of the public domain. This is our democratic method of stimulating and rewarding authorship. We do not live by bread alone. Music, opera, drama, painting, movies, literature are part and parcel of our lives. Those who create these forms enrich our existence. This bill is for the benefit of those creators. Those who create these forms indeed, I repeat, enrich our existence. These arts must be nurtured and encouraged. Our daily chores would be exceedingly drab without the beauty and spirituality given us by these art media.

Our copyright laws are devised to encourage these arts, to enhance new creations. We should go out of our way to help, not hinder, authors, composers, poets, dramatists, producers, and publishers.

Both Houses have consistently supported the copyright term proposed in the revision bills, as the repeated enactment of the interim extension measures demonstrates.

These interim extensions granted to date do not add up to more than 9 years of the total 19-year extension of the term that is contemplated in the revision bill.

It must always be remembered that both the House copyright revision bill of 1967 and the pending Senate copyright revision bill contain this 19-year extension of all renewal terms subsisting at the effective date of the revision from 28 to 47 years. The succession of interim extension measures, of which Senate Joint Resolution 132 is the latest, indicates the congressional purpose that presently subsisting copyrights should, as far as possible, remain eligible for the longer term that will be enjoyed by holders of copyrights that have not expired by the effective date of the revision. In short, the intent and purpose of the Congress has been to avoid lapses of copyright protection on the eve of the revision, rather than to select a particular term of years apart from the revision. It would be particularly unfair if copyrighted works should now be permitted to fall in the public domain for lack of an interim extension.

A case in point involves two of the Peter Pan books by James Barrie. In his will Barrie left the proceeds of his copyrights to the Hospital for Sick Children in London. There have been substantial motion pictures and TV rights flowing from these copyrights. If the basic book titles are allowed to fall into the public domain, these subsidiary rights will also disappear at the end of next month.

Among the living authors who would lose copyright protection are Rebecca West, Louis Untermeyer, and Frank Swinnerton.

Some of the widows of prominent authors who would also be affected are: Mrs. Edgar Lee Masters, Mrs. Sherwood Anderson, and Mrs. Elmer Rice.

The surviving children of several authors would also be deprived of protection. For example, the children of Ring Lardner, Vachel Lindsay, William Butler Yeats, Sinclair Lewis and Mrs. Belloc Lowndes.

Two other authors whose family or heirs would be deprived of protection are James Joyce—Ulysses and Portrait of the Artist as a Young Man—and Somerset Maugham—Of Human Bondage.

Other important authors whose titles would fall into the public domain if this legislation fails includes George M. Cohan, Joseph Conrad, Mary Roberts Rinehart, Eugene O'Neill, Richard Harding Davis, Eugene Field, Howard Pyle and Edith Wharton.

I do not think we want to do wrongs to these famous authors and their heirs and children and widows. We must give them protection so that in the future authors will feel that they can rely on that protection when they give us something new and novel that is worthy of copyright. For all these reasons I urge the Members to vote for the resolution before us.

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

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to commend the distinguished gentleman from New York, the chairman of the Judiciary Committee, for his statement. I would also like to commend the gentleman from Wisconsin (Mr. KASTENMEIER) who has worked hard and diligently for a great many years on a comprehensive revision of the copyright laws of this country.

Let me see if my recollection is correct. In 1967 we passed the comprehensive copyright revision bill; is that correct?

Mr. CELLER. That is correct.

Mr. BOGGS. For all practical purposes it has been pending in the other body ever since then?

Mr. CELLER. That is correct.

Mr. BOGGS. So that what we have been up against on the House side is the failure of the other body to act on the very comprehensive piece of legislation that the gentleman's committee, guided by the chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER) has worked on and which was reported out and passed by the House.

Mr. CELLER. That is correct.

Mr. BOGGS. If we fail to act today many thousands, if not hundreds of thousands, of copyright owners will be affected in addition to the very famous authors and authoresses the gentleman mentioned.

Mr. CELLER. Yes. I did not have time to mention everybody. I just picked out a few famous authors and composers.

Mr. BOGGS. I hope the House will act favorably, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, we are engaging now in our annual exercise in frustration in renewing dreary and tired old copyrights which have been in existence for too long a time.

All of my colleagues received a letter from me citing and quoting the remarks of the distinguished chairman of the Judiciary Committee announcing, during the session just past, on December 7, 1970, that that day was the date on which we would be extending copyrights for the last time.

I believe it ought to be known, Mr. Speaker, that the history of this Nation is one which has been built upon a friendliness for the arts. The copyright system of this Nation recognizes that friendliness and the need to afford a measure of protection to those who innovate and contribute to our cultural values. For that reason we have given an original period of 28 years, plus an additional 28 years of time. Beginning in 1962 with a 3-year extension, followed by a 2-year extension, and then by four annual 1-year extensions, we now find ourselves with a period of life for copyrights in excess of 66 years, according to the chairman of the Judiciary Committee.

I would point out to my colleagues that there comes a time when every author can be presumed to have exhausted his right to special and peculiar interests in the fruits of his genius. Certainly, at the end of 66 years such a time has come, and those documents should revert to the public domain and become the property of all the people.

It has been mentioned by my distinguished friend, the chairman of the Judiciary Committee, that it is necessary for us to take care of the heirs and assignees of a number of distinguished authors. I would point out that each of the authors he has mentioned, and his heirs and his assignees, has had the benefit of the earnings of those copyrights for in excess of 66 years. And I say that is quite time enough.

Last year on December 7 my good friend from New York, the distinguished chairman of the Judiciary Committee, and I had a little colloquy about this. I pointed out to Chairman CELLER that the time had come when we should no longer be moving forward with an extension of these tired and dreary old copyrights. I will read the colloquy that took place at that time.

My good friend from New York says that "a foolish consistency is the hobgoblin of little minds." That may well be, but I would point out that the gentleman from New York established this consistency about seven times by continuing to extend copyrights under the general impression afforded this body that this was the last time the copyright bills were going to be before us for extension. I now read from a colloquy in the CONGRESSIONAL RECORD referred to above between the gentleman from New York (Mr. CELLER) and myself at the time of the last extension.

Mr. DINGELL. How many more times are we going to have these copyright bills before us?

Mr. CELLER. I have told those in the other body who are responsible for passing this very bill that we are now considering

that I would under no circumstances renew this copyright provision, but that they must pass the comprehensive compromise code, otherwise there would be no more extensions. This is the last extension.

I am happy to hear the gentleman say that because I feel we have a bill, a resolution, for the extension of copyrights usually at the request of the same people. I think it is about time the House quit extending these copyright laws.

Mr. CELLER. I am in thorough agreement with the gentleman's point of view in that respect.

Mr. DINGELL. Mr. Speaker, I think it is time we take a look to see who the real beneficiaries of these documents are that are going to have the benefit of extending the copyrights. The answer is they are usually not the author, because the author has usually long since passed on to his eternal reward. Indeed, it is not usually the heirs, because the heirs have usually either died or seen the rights in the copyright assigned either by the copyright holder, the original author, or have since assigned them themselves. The real beneficiaries of this bill are ASCAP and B.M.I., the two holding corporations which are well known for their ability to narrowly evade the requirements of the antitrust laws and some of the ruthless practices in which they engage with regard to copyrights.

So we find ourselves at the end of this session, as we do at the end of each session, faced with the prospect of yet another extension, not for the authors and not for the heirs who have seen their copyrights assigned but for the corporate holders of the copyrights.

It is interesting to note that we are not talking about the first extension but we are talking about the seventh extension. On what basis? On the basis that perhaps the Senate might send us yet another bill relating to copyrights. Perhaps an overall code revision relating to copyrights.

In one reads the bill submitted to us by the distinguished Committee on the Judiciary, one must search very hard to find any justification for the legislation before us. One thing that is submitted to us as justification from the agencies downtown is a letter from Mr. L. Quincy Mumford, the Librarian of Congress, in which he says:

We support S.J. Res. 132 with the fervent hope that the enactment of the general revision bill can be accomplished before the end of the next session of Congress.

But during the last Congress—and I might say the inconsistency of the gentleman from New York (Mr. CELLER) is no less glaring than that of the Librarian of Congress—the Librarian of Congress said the last time we had this miserable matter before us, as follows:

It is important that this fifth interim extension of the subsisting copyrights be the last of the series.

So, Mr. Speaker, we find ourselves now listening to the pleas of the gentleman from New York that this body should again participate in his inconsistencies, in the further and unnecessary extension of copyrights.

I would point out that there is no real need for it. These matters have been exclusive property for in excess of 60 years of all of the beneficiaries of the copyrights.

I want to point out also that most of the original holders of the copyrights have long since passed on to glory, and it is usually the corporate assignees of the holders who would be the principal beneficiaries.

I would say it is time we took the gentleman from New York at his word and permitted the copyrights to expire and permitted the public, the American people, to get the benefit of having these copyrights pass into the public domain. After all, it was the original intention of the Founding Fathers and of the Congress that these things should now lie in the public domain after the lengthy period of private ownership which has been given them, after the lengthy period of extension which the Congress has so generously, under the leadership of the gentleman from New York, accorded the corporate assignees of the original beneficiaries.

The bill should be defeated.

Mr. CELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MCCULLOCH).

(Mr. MCCULLOCH asked and was given permission to revise and extend his remarks.)

Mr. MCCULLOCH. Mr. Speaker, I have heard described the extension of the legislation in this field from some of the most able and dependable Members of the House. This is the 15th of November and the new session of Congress comes soon after the first of January. There is hardly time enough to do all that should be done in reviewing that which we have gone over before. For that reason, I believe the joint resolution now pending before the House should be adopted.

Mr. Speaker, I intend to vote that way.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 132).

The question was taken.

Mr. ROONEY of New York. Mr. Speaker, on that I demand a division.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan rise?

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. ROONEY of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ROONEY of New York. I take it that the Speaker pro tempore did not hear me demand a division.

The SPEAKER pro tempore. In response to the parliamentary inquiry of the gentleman from New York, the gentleman from Michigan (Mr. DINGELL) made the point of order that a quorum was not present, which takes precedence over the request of the gentleman from New York.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 49, not voting 79, as follows:

[Roll No. 388]

YEAS—302

Abernethy	Fish	Michel
Abourezk	Fisher	Miller, Ohio
Abzug	Flood	Mills, Ark.
Adams	Flowers	Mills, Md.
Addabbo	Flynt	Minish
Anderson, Calif.	Foley	Mink
Andrews, Ala.	Forsythe	Minshall
Andrews, N. Dak.	Fountain	Mizell
Annunzio	Frelinghuysen	Monagan
Archer	Frenzel	Montgomery
Arends	Frey	Morgan
Aspinall	Fulton, Tenn.	Morse
Baker	Fuqua	Murphy, Ill.
Baring	Garmatz	Murphy, N.Y.
Begich	Gettys	Myers
Belcher	Giaimo	Natcher
Bennett	Goldwater	Nelsen
Betts	Gonzalez	Nichols
Bevill	Grasso	O'Hara
Biaggi	Gray	O'Konski
Biester	Green, Pa.	O'Neill
Bingham	Gross	Passman
Blanton	Gubser	Patten
Boggs	Gude	Pepper
Boland	Hagan	Perkins
Brasco	Haley	Pettis
Bray	Hall	Peyser
Brinkley	Hammer-schmidt	Pickle
Brooks	Hanley	Pirnie
Broomfield	Hanna	Poage
Brotzman	Hansen, Wash.	Podell
Brown, Mich.	Harrington	Powell
Brown, Ohio	Harsha	Preyer, N.C.
Broyhill, N.C.	Harvey	Price, Ill.
Broyhill, Va.	Hastings	Pryor, Ark.
Buchanan	Hathaway	Pucinski
Burke, Fla.	Hawkins	Quie
Burke, Mass.	Heinz	Quillen
Burleson, Tex.	Henderson	Railsback
Burlison, Mo.	Hicks, Mass.	Randall
Byrne, Pa.	Hogan	Rees
Byrnes, Wis.	Holifield	Reid, N.Y.
Byron	Horton	Rhodes
Caffery	Hosmer	Riegle
Camp	Howard	Robinson, Va.
Carey, N.Y.	Hull	Robison, N.Y.
Carney	Hungate	Rodino
Carter	Hunt	Roe
Casey, Tex.	Hutchinson	Rogers
Cederberg	Jacobs	Roncalio
Celler	Jarman	Rooney, N.Y.
Chamberlain	Johnson, Calif.	Rooney, Pa.
Clancy	Johnson, Pa.	Rostenkowski
Clawson, Del	Jonas	Roy
Cleveland	Jones, N.C.	Roybal
Collier	Jones, Tenn.	Ruth
Collins, Tex.	Kazen	Ryan
Conable	Keating	Sarbanes
Conte	Kee	Satterfield
Corman	Keith	Saylor
Cotter	Kemp	Scherle
Coughlin	King	Scheuer
Crane	Kluczynski	Schneebeli
Culver	Koch	Schwengel
Daniel, Va.	Kuykendall	Scott
Daniels, N.J.	Kyl	Sebelius
Davis, Ga.	Kyros	Seiberling
Davis, S.C.	Landgrebe	Shipley
Davis, Wis.	Landrum	Shoup
de la Garza	Latta	Shriver
Delaney	Leggett	Sikes
Denholm	Lennon	Sisk
Dennis	Lloyd	Slack
Devine	Long, Md.	Smith, Calif.
Dickinson	Lujan	Smith, Iowa
Donohue	McClory	Snyder
Duncan	McCollister	Spence
du Pont	McCormack	Springer
Dwyer	McCulloch	Staggers
Edmondson	McDade	Stanton, J. William
Edwards, Ala.	McEwen	Stanton, James V.
Eilberg	McFall	Steele
Erlenborn	McKinney	Steiger, Ariz.
Esch	McMillan	Steiger, Wis.
Eshleman	Madden	Stephens
Evans, Colo.	Mailliard	Stubblefield
Evins, Tenn.	Martin	Symington
Fascell	Matsunaga	Talcott
Findley	Mayne	Taylor
	Meeds	

Teague, Calif.	Waggonner	Wyatt
Teague, Tex.	Wampler	Wydler
Terry	Ware	Wylie
Thompson, Ga.	Whalen	Wyman
Thomson, Wis.	White	Yates
Thone	Whitehurst	Yatron
Tiernan	Whitten	Young, Fla.
Udall	Wiggins	Young, Tex.
Ullman	Williams	Zablocki
Van Deerlin	Wilson, Bob	Zion
Vander Jagt	Winn	
Veysey	Wolff	

NAYS—49

Aspin	Gaydos	Nix
Badillo	Green, Oreg.	Obey
Bergland	Griffin	Pike
Brademas	Griffiths	Poff
Burton	Grover	Price, Tex.
Clark	Hamilton	Rarick
Clay	Hays	Reuss
Dellenback	Hechler, W. Va.	Roush
Dent	Helstoski	Ruppe
Dingell	Hicks, Wash.	St Germain
Dorn	Hillis	Schmitz
Dow	Ichord	Stratton
Drinan	Karth	Sullivan
Eckhardt	Kastenmeier	Vanik
Edwards, Calif.	Mazzoli	Waldie
Fraser	Mollohan	
Gallagher	Nedzi	

NOT VOTING—79

Abbitt	Ford, Gerald R.	Miller, Calif.
Alexander	Ford,	Mitchell
Anderson, Ill.	William D.	Moorhead
Anderson,	Galifianakis	Mosher
Tenn.	Gibbons	Moss
Ashbrook	Goodling	Patman
Ashley	Halpern	Pelly
Barrett	Hansen, Idaho	Purcell
Bell	Hébert	Rangel
Blackburn	Heckler, Mass.	Roberts
Blatnik	Jones, Ala.	Rosenthal
Bolling	Lent	Rousselot
Bow	Link	Runnels
Cabell	Long, La.	Sandman
Chappell	McCloskey	Skubitz
Chisholm	McClure	Smith, N.Y.
Clausen,	McDonald,	Steed
Don H.	Mich.	Stokes
Collins, Ill.	McKay	Stuckey
Colmer	McKevitt	Thompson, N.J.
Conyers	Macdonald,	Vigorito
Danielson	Mass.	Whalley
Dellums	Mahon	Widnall
Derwinski	Mann	Wilson,
Diggs	Mathias, Calif.	Charles H.
Dowdy	Mathis, Ga.	Wright
Downing	Melcher	Zwach
Dulski	Metcalfe	
Edwards, La.	Mikva	

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Anderson of Illinois.
Mr. Hébert with Mr. Gerald R. Ford.
Mr. Blatnik with Mr. Ashbrook.
Mr. Barrett with Mr. McKevitt.
Mr. Moorhead with Mr. Mitchell.
Mr. Link with Mr. Metcalfe.
Mr. Diggs with Mr. Derwinski.
Mr. Abbitt with Mr. Blackburn.
Mr. Cabell with Mr. Lent.
Mr. Charles H. Wilson with Mr. Collins of Illinois.
Mr. Dowdy with Mr. Mathias of California.
Mr. McKay with Mr. Don H. Clausen.
Mr. William D. Ford with Mr. Rangel.
Mr. Jones of Alabama with Mr. Goodling.
Mr. Dulski with Mr. Halpern.
Mr. Macdonald of Massachusetts with Mr. Hansen of Idaho.
Mr. Mathis of Georgia with Mr. McClure.
Mr. Vigorito with Mr. Stokes.
Mr. Moss with Mr. McCloskey.
Mr. Roberts with Mr. Mosher.
Mr. Runnels with Mr. Rousselot.
Mr. Ashley with Mrs. Chisholm.
Mr. Galifianakis with Mr. Pelly.
Mr. Rosenthal with Mr. Conyers.
Mr. Wright with Mr. Sandman.
Mr. Mikva with Mr. Dellums.
Mr. Alexander with Mr. Skubitz.
Mr. Purcell with Mr. Smith of New York.
Mr. Melcher with Mr. Whalley.
Mr. Steed with Mr. Widnall.
Mr. Chappell with Mr. Zwach.
Mr. Danielson with Mr. Bell.
Mr. Downing with Mrs. Heckler of Massachusetts.
Mr. Colmer with Mr. McDonald of Michigan.
Mr. Gibbons with Mr. Anderson of Tennessee.
Mr. Mahon with Mr. Mann.
Mr. Miller of California with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11651) to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes.

The Clerk read as follows:

H.R. 11651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $130. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,600, the monthly rate shall be reduced 7 cents. No pension shall be paid if annual income exceeds $2,600."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $140 for a veteran and one dependent, $145 for a veteran and two dependents, and $150 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rates shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $3,800."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $87. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $2,600, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $2,600."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $600 or less, the monthly rate of pension shall be $104. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $3,800, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800."

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$42" and "$17", respectively.

SEC. 2. Section 503 of title 38, United States Code, is amended by (a) inserting "(a)" immediately preceding "In" at the beginning of such section, and (b) adding at the end thereof the following new subsections:

"(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

"(c) The Administrator may provide by regulation for the exclusion from income under this chapter of amounts paid by a veteran, widow, or child for unusual medical expenses."

SEC. 3. Paragraph (2) of section 3012(b) of title 38, United States Code, is amended by striking out "month" and inserting in lieu thereof "calendar year".

SEC. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,200 and $3,500, instead of $1,900 and $3,200 respectively."

SEC. 5. (a) Paragraph (30) of section 101 of title 38, United States Code, is amended by striking the phrase "for ninety days or more".

(b) Paragraph (3) of subsection 521(g) of such title 38 is amended by inserting immediately before "World War I" the phrase "the Mexican border period or".

SEC. 6. This Act shall take effect on January 1, 1972.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without

objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 11651.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 11651 is one of the most important bills our committee has considered this year and, together with the survivors' benefit bill, H.R. 11652, which we will consider next, is the result of a very substantial effort on the part of the subcommittee on compensation and pension. The Honorable W. J. BRYAN DORN is the chairman of that subcommittee and the Honorable JOHN PAUL HAMMERSCHMIDT is the ranking minority member on that subcommittee. The other members of the subcommittee are as follows: The Honorable RAY ROBERTS, the Honorable G. V. (SONNY) MONTGOMERY, the Honorable JOHN P. SAYLOR, and the Honorable WILLIAM LLOYD SCOTT.

The modern system for the payment of pension based on the non-service-connected disability or death of a war veteran has traditionally involved a basic premise of "need" on the part of the beneficiary. Accordingly, there have been established statutory income limitations which have been liberalized from time to time but which have been retained in principle to serve as the benchmarks for determining the extent of need in each individual case, in the light of certain equities and with a view to preventing undue hardship, the Congress has provided a limited number of specific exclusions from countable income in determining pension eligibility.

With the exception of such exclusions, however, all income must be considered. As a result, from time to time as income from other sources is increased, notably in the programs of social security, railroad retirement, civil service retirement, and private pension plans, the resulting impact on the veterans' pension program is direct and sometimes very substantially adverse. The committee is particularly aware, as are most members, of the growing concern among pensioners of the potential adverse effect of the recent social security increase on the amount of pension, if any, they may be entitled to in 1972. The committee has given long and serious study to this problem which defies any perfect solution as long as the basic concept of need is retained, as it must be, in the pension system.

In the light of the foregoing, the committee is enthusiastic in recommending to the House a new formula approach as a substitute for the existing statutory tables dealing with pension rates and income limitations. In this connection, I wish to express the committee's admiration for the ingenuity of the Veterans' Administration in devising this new approach as a technical service in the first instance and commend the Administrator for his later policy endorsement for such approach. We believe it will effectively minimize future concern as to the adequacy of the veterans' pension program, vis-a-vis other income maintenance programs.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from South Carolina (Mr. DORN) who will discuss in greater detail the various provisions of this important bill.

Mr. DORN. Mr. Speaker, the major veterans' bill, H.R. 11651, to which our chairman has just addressed his remarks, would provide an average increase of approximately 6.5 percent in the rates of non-service-connected pension payable to veterans and widows. The various pension rates and income limitations have been restructured under a formula devised and recommended by the Veterans' Administration. Under this formula, we are assured by the Veterans' Administration that notwithstanding the 10-percent increase in social security no veteran or widow on the pension rolls will suffer any reduction in pension. In fact, in view of a cost of living factor included in the increased rates, we are assured by the Veterans' Administration that practically all, if not all, pensioners will receive some increase.

Under the bill, the top income limitation is raised by $300 and a similar increase is provided for pensioners under the so-called old law. Comparable rate increases are provided for orphan children.

Upon the recommendation of the Veterans' Administration, we have also included in the bill a provision which excludes from income amounts paid by a claimant for unusual medical expenses. Further, where a veteran's spouse died during the year his pension as a married veteran will not be reduced or terminated until the end of the calendar year rather than the end of the month prior to the date of the spouse's death, as at present.

Finally, the bill corrects a problem relating to the service requirements under which a Mexican border veteran was granted eligibility for pension in our pension bill last year so as to clearly reflect what we believe was the original intent of that provision, namely, to fully equate Mexican border veterans with World War I veterans for pension purposes.

The cost of the bill for the first full year has been estimated as $127.2 million, increasing to $136.9 million the fifth year.

Mr. Speaker, I believe it is very relevant to quote the following from the testimony of the Veterans' Administration in the recent hearings on this bill:

> The cost of living council has exempted income maintenance programs, like pensions and dic, from coverage during the current freeze period. Based on this ruling, and recognizing our obligation to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans' Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for this subcommittee to use in determining the magnitude of adjustment needed.

Mr. Speaker, at this point I ask permission to insert as a part of my remarks a more detailed explanation of the eight major objectives of the bill followed by an explanation of the application of the new pension formulae, together with pertinent tabular and cost data which I am sure the members will find most informative.

Mr. Speaker, I urge approval of H.R. 11651. I believe it is an excellent bill which goes far toward solving pressing problems in the pension program and at the same time strengthen and improve this major benefit for war veterans and their survivors who are in need.

I include the following information for the RECORD:

The bill is designed to accomplish the following objectives, effective January 1, 1972:

First, provide an average cost-of-living increase of approximately 6.5 percent in non-service-connected pension rates payable to approximately 1.6 million veterans and widows and prevent such pensioners from losing any of their VA pension because of the 1971 increase in their social security benefits. The committee wishes to emphasize that such assurance against loss of pension is only in connection with the increased social security payments received by a pensioner on his own behalf. The last general increase in such pensions was effective January 1, 1971.

Second, increase by $300 the maximum annual income limitations for the non-service-connected pension program, thus providing an income limitation of $2,600 for single pensioners and $3,800 for pensioners with dependents.

Third, establish new formulas for payment of pension which will be more responsive to the needs of veterans and widows and, as long as a pensioner's income does not exceed the maximum annual limitation, preclude the loss of aggregate income in the future when a pensioner might receive an increase in income from some other source, regardless of the source.

Fourth, provide a cost-of-living increase in the pension rates payable to widows for children in excess of one, and to eligible children receiving non-service-connected death benefits.

Fifth, in determining a pensioner's income for pension purposes, exclude from the counting of income amounts paid by the claimant for unusual medical expenses.

Sixth, in the case of loss of a dependent of a payee by reason of marriage, divorce. or death during the year, permit the VA to continue paying benefits as if there had been no loss until the end of the calendar year, rather than reducing or terminating benefits at the end of the month prior to the date of the event.

Seventh, increase by $300 the annual income limitations for veterans and widows under the "old law" pension program which was in existence prior to July 1, 1960, the effective date of Public Law 86–211.

Eighth, liberalize the present law regarding the number of days a veteran of the Mexican border period must have

served in Mexico, or on the borders thereof, in order to receive a non-service-connected pension. This provision will substantially equate the service eligibility of such veterans, their widows and children with that of veterans of World War I and their widows and children for pension purposes.

The formulas mentioned in (3) above would specify a maximum monthly rate for each group within designated income categories, and each individual's monthly benefit rate would be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, under subsection (a) of the first section of the bill for a single veteran under 38 U.S.C. 521 the maximum monthly pension would be $130 based upon annual income of $300 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income by which income exceeds $300, up to and including $1,000; by 4 cents for each dollar of income in excess of $1,000 up to and including $1,500; by 5 cents for each dollar of income exceeding $1,500 up to and including $1,800; by 6 cents for each dollar of income up to $2,200; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate would be $22. No pension would be paid if annual income exceeds $2,600.

There follow tables setting forth the current rates of pension payable to veterans and widows and showing certain new rates set forth in $100 increments for easy reference to typical examples which would be authorized under the formula provided by the bill:

H.R. 11651

Income not more than—	Veteran alone		Veteran and dependents			
				No loss formula		
	Current	No loss formula	Current	1 dependent	2 dependents	3 or more
$100	$121	$130	$132	$140	$145	$150
$200	121	130	132	140	145	150
$300	121	130	132	140	145	150
$400	119	127	132	140	145	150
$500	117	124	132	140	[1] 145	[1] 150
$600	125	121	130	130		
$700	112	118	128	136		
$800	108	115	126	134		
$900	104	112	124	132		
$1,000	100	109	122	129		
$1,100	96	105	119	126		
$1,200	92	101	116	123		
$1,300	88	97	113	120		
$1,400	84	93	110	117		
$1,500	79	89	107	114		
$1,600	75	84	104	111		
$1,700	69	79	101	108		
$1,800	63	74	99	105		
$1,900	57	68	96	102		
$2,000	51	62	93	99		
$2,100	45	56	90	96		
$2,200	37	50	87	93		
$2,300	29	43	84	90		
$2,400		36	81	87		
$2,500		29	78	84		
$2,600		22	75	81		
$2,700			72	78		
$2,800			69	75		
$2,900			66	72		
$3,000			62	69		
$3,100			58	66		
$3,200			54	63		
$3,300			50	58		
$3,400			42	53		
$3,500			34	48		
$3,600				43		
$3,700				38		
$3,800				33		

[1] With higher income, lesser rates are paid according to formula.

H.R. 11651—PENSION

Income not more than—	Widow alone		Widow and 1 child	
	Current	No loss formula	Current	No loss formula
$100	$81	$87	$99	$104
$200	81	87	99	104
$300	81	87	99	104
$400	80	86	99	104
$500	79	85	99	104
$600	78	84	99	104
$700	76	81	98	103
$800	73	78	97	102
$900	70	75	96	101
$1,000	67	72	95	100
$1,100	64	69	94	99
$1,200	61	66	92	98
$1,300	58	63	90	97
$1,400	55	60	88	96
$1,500	51	57	86	94
$1,600	48	54	84	92
$1,700	45	51	82	90
$1,800	41	48	80	88
$1,900	37	45	78	86
$2,000	33	41	76	84
$2,100	29	37	74	82
$2,200	23	33	72	80
$2,300	17	29	70	78
$2,400		25	68	76
$2,500		21	66	74
$2,600		17	64	72
$2,700			62	70
$2,800			59	67
$2,900			56	64
$3,000			53	61
$3,100			51	58
$3,200			48	55
$3,300			45	52
$3,400			43	49
$3,500			41	46
$3,600				43
$3,700				42
$3,800				42

FORMULA APPLYING TO PENSIONERS

VETERAN ALONE [1 2 3]

Top monthly rate—$130. (Countable income $300 per annum or less)

If income is in excess of $300 per annum, the $130 monthly payment is reduced on an individual basis through application of the following formula:

$301 through $1,000, payment reduced in amount of 3¢ per $1.00 of income above $300.

$1,001 through $1,500, payment reduced in amount of 4¢ per $1.00 of income above $1,000.

$1,501 through $1,800, payment reduced in amount of 5¢ per $1.00 of income above $1,500.

$1,801 through $2,200, payment reduced in amount of 6¢ per $1.00 of income above $1,800.

$2,201 through $2,600, payment reduced in amount of 7¢ per $1.00 of income above $2,200.

VETERAN AND ONE DEPENDENT [3 5]

Top monthly rate—$140. (Countable income $500 per annum or less)

If income is in excess of $500 per annum, the $140 monthly payment is reduced on an individual basis through application of the following formula:

$501 through $900, payment reduced in amount of 2¢ per $1.00 of income above $500.

$901 through $3,200, payment reduced in amount of 3¢ per $1.00 of income above $900.

$3,201 through $3,800, payment reduced in amount of 5¢ per $1.00 of income above $3,200.

For example, a veteran with one dependent, with countable income other than pension of $3,399, will receive monthly pension computed in the following manner:

$900	$3,200	$3,399
500	900	3,200
$400×.02¢=$8	$2,300×.03¢=$69	$ 199×.05¢=$9.95

The above figures ($8, $69, $9.95) added produce a total of $86.95, which is then subtracted from $140 (the maximum monthly for this category of pensioner), to provide for payment of pension in this case in the amount of $53.05. This veteran, under current law, is eligible for a pension payment of $50, therefore he will receive a monthly increase of $3.05.

WIDOW ALONE [2 4]

Top Monthly Rate—$87 (countable income $300 per annum or less)

If income is in excess of $300 per annum, the $87 monthly payment is reduced on an individual basis through application of the following formula:

$301 through $600, payment reduced in amount of 1¢ per $1.00 of income above $300.

$601 through $1,900, payment reduced in amount of 3¢ per $1.00 of income above $600.

$1,901 through $2,600, payment reduced in amount of 4¢ per $1.00 of income above $1,900.

WIDOW AND CHILD [2 3 4]

Top Monthly Rate—$104 (countable income $600 per annum or less)

If income is in excess of $600 per annum, the $104 monthly payment is reduced on an individual basis through application of the following formula:

$601 through $1,400, payment reduced in amount of 1¢ per $1.00 of income above $600.

$1,401 through $2,700, payment reduced in amount of 2¢ per $1.00 of income above $1,400.

$2,701 through $3,800, payment reduced in amount of 3¢ per $1.00 of income above $2,700.

FOOTNOTES

[1] Pension reduced to $30 after second full month of hospitalization or domiciliary care by the VA.

[2] Applicable rate increased by $110 per month for veterans and $55 per month for widows who are patients in nursing homes or require aid and attendance of another person because of their disabilities. Similarly, the rate a veteran receives is increased by $44 per month when he is permanently "house bound" because of his disabilities.

[3] Under present law, no pension is payable if income other than pension exceeds $2,300 per annum in the case of the veteran or widow alone, or $3,500 in the case of the veteran or widow with dependent or dependents.

[4] $17 additional per month for each dependent above one.

[5] If a veteran has two dependents, payment is increased by $5; if three or more, by $10 per month.

There follows an itemized breakdown of the cost of H.R. 11651 by years, by categories of beneficiaries, and in toto for the first 5 years:

H.R. 11651

Year	Caseload	Costs
SEC. 1		
The first 5 years costs and caseloads for paras (a) through (d)—Increased pension rates for veterans and survivors are:		
1	1,637,246	$110,700,000
2	1,647,773	112,500,000
3	1,661,103	114,200,000
4	1,672,332	115,900,000
5	1,692,684	118,100,000
year costs and caseloads for para (e)—Increase in rate for children from $16 to $17 are:		
1	147,211	2,100,000
2	151,524	2,200,000
3	156,070	2,200,000
4	159,800	2,300,000
5	164,346	2,400,000
Para (f)—Increases in children's rate to $42 and $17 are:		
1	594,100	9,000,000
2	643,100	9,800,000
3	688,400	10,400,000
4	722,300	11,000,000
5	746,900	11,300,000
Total costs of sec 1 [1]:		
1st year		121,800,000
2d year		124,500,000
3d year		126,800,000
4th year		129,200,000
5th year		131,800,000
Fiscal year 1972 cost		60,900,000

	Number affected	Costs
SEC. 2		
Paragraph (b)—Minimal. Paragraph (c)—Extension of unusual medical expenses are:		
1	26,750	$1,900,000
2	27,200	2,000,000
3	27,650	2,100,000
4	28,150	2,100,000
5	28,600	2,100,000
Fiscal year 1972 costs		950,000
SEC. 3		
End-of-year rule changes of dependency are:		
1	10,300	1,800,000
2	10,300	1,800,000
3	10,300	1,800,000
4	10,300	1,800,000
5	10,300	1,800,000
Fiscal year 1972 costs		950,000
SEC. 4		
Increase in limitations for old law cases are:		
1	5,038	1,700,000
2	4,831	1,600,000
3	4,481	1,500,000
4	4,129	1,400,000
5	3,776	1,200,000
SEC. 5		
Paragraph (a)—Minimal Paragraph (b)—No cost: Total cost of H.R. 11651: [1]		
1st year		127,200,000
2d year		129,900,000
3d year		132,200,000
4th year		134,500,000
5th year		136,900,000
Costs by fiscal year:		
1972		63,600,000
1973		128,600,000
1974		131,100,000
1975		133,400,000
1976		135,700,000
1977		139,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

Mr. SAYLOR. Will the gentleman yield?

Mr. DORN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. We put a provision in the bill that says in case there are unusual medical expenses that they need not be reported as far as income is concerned.

Has the committee determined how much should be considered as unusual medical expense?

Mr. DORN. Neither the subcommittee nor the full committee considered how much would be extenuating or unusual circumstances in case this happens.

I might say that the total cost of this bill is $127 million, and at the end of 5 years it is estimated to be $137 million.

Mr. SAYLOR. Mr. Speaker, if the gentleman will yield further, for what might be considered unusual expenses for someone whose income is in the lower bracket would not be considered unusual expenses for someone whose income is in a bracket above the income limitation in this bill.

Mr. DORN. Well, of course, what this bill is designed to do is really to help people in the poverty category. I hesitate to even refer to our veterans who fought for our country in such phraseology but, nevertheless, that is true. This just raises them above the poverty level and makes sure that they will not lose any of their payments because of the 10-percent increase in social security.

With reference to the gentlemen's question we expect the Veterans' Administration to regulate on unusual medical expenses in the case of pensioners along the same lines now used for dependent parents. That regulation is as follows:

1262. (L) Unusual Medical Expenses. In claims for dependency and indemnity compensation (38 U.S.C. 415(g)(2)) and making determinations under VA Regulation 1262 (B)(2) in claims for pension under Public Law 86–211, there will be excluded from the amount of a claimant's annual income any amounts paid for unusual medical expenses. This includes expenses paid by a parent or spouse by reason of his illness and those paid for members of his family. "Members of his family" means those persons, including relatives in the ascending as well as descending class, whom the parent or spouse is under moral or legal obligation to support and who are members of his household (Jan. 1, 1965)

(1) A determination of whether the circumstances in the individual case represent "unusual" expenses will be made on the pertinent facts. Generally this situation will encompass expenses incurred by reason of chronic invalidism or for surgery or prolonged illness. Brief periods of illness with moderate medical expenses, which did not materially interfere with a normal mode of living, are not included (Jan. 1, 1963)

(2) Expenses paid by a parent or spouse for maintenance of the parent or spouse or paid by the parent or spouse for maintenance of a member of his family (who is actually or constructively a member of his household) in a nursing or convalescent home may be deducted. (Jan. 1, 1965)

(3) Except as provided in subdivision (4), the exclusion of unusual medical expenses is applicable only to amounts actually paid. Expenses incurred but unpaid are not deductible. It is not material that the expenses were incurred by reason of illness in a prior year. Deductions are limited to amounts paid in a particular calendar year. In the absence of doubtful circumstances the claimant's statement as to amounts paid will be accepted. (Jan. 1, 1963)

(4) Where a claimant indicates that he expects to have medical expenses which meet the requirements of this subparagraph (e.g., maintenance in a nursing home), an estimate of amounts which will be paid for such expenses may be accepted. Where an estimate of such expenses has been accepted for the purpose of authorizing prospective payments, any necessary adjustment in the award will be made upon receipt of an amended estimate or after the end of the calendar year upon receipt of an income questionnaire. (Jan. 1, 1965)

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 11651. This measure provides for an overall increase in pension of approximately 6.5 percent for all veterans and widows on the pension rolls, and is designed to overcome the increased cost of living for those Veterans' Administration beneficiaries who are subsisting on only the lowest of incomes. Most importantly it will prevent any reduction in pension next year that, under existing law, would have resulted from the increase in social security benefits awarded in 1971.

The bill raises the income levels by $300 in all categories, including the pensioner receiving benefits under the Veterans Pension Act of 1959.

It increases the rates under a new formula which establishes several income levels with any future changes due to increased income minimized by relating them in terms of a reduction of a specified number of cents for each dollar of increase over the established levels.

Another important feature provides that a veteran, widow, or child when confronted with unusual medical expenses may deduct them from their declared incomes.

I consider this a timely bill and am in favor of it.

Mr. TEAGUE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a pension bill. Members are aware of the fact that each time social security is increased, it can and in most instances does have an adverse effect upon veteran pensioners who receive both social security and pension.

Public Law 92–5, enacted earlier this year, authorized a 10-percent increase in social security benefits. Unless the Congress acts to protect them, thousands of pensioners, widows, and veterans alike, will have their Veterans' Administration payments reduced or terminated next January 1. The bill before you will prevent that possibility from happening by insuring that no pensioner will suffer the reduction or termination of his pension benefits solely because of the 1971 social security increase received in his own behalf. The bill accomplishes this purpose by establishing a new formula for the payment of pension which will be more responsive to the needs of veterans and widows and, as long as a pensioner's income does not exceed the new maximum annual income limitation of $2,600 for single pensioners and $3,800 for pensioners with dependents, it will preclude the loss of aggregate income in the future when a pensioner receives an increase in income from other sources.

In the process of accomplishing this worthy purpose, the bill provides an average cost-of-living increase of approximately 6.5 percent for approximately 1.6 million veterans and widows.

Although I am not a voting member of the Subcommittee on Compensation and Pension, I did attend most of the hearings and executive sessions relating to the consideration of this legislation. I was impressed with the diligence with which the subcommittee considered more than 100 bills, all offering potential solutions to the problems of pensioners. I want to commend the members of the subcommittee consisting of Mr. DORN, chairman, Mr. HAMMERSCHMIDT, ranking minority member, and their colleagues, Mr. ROBERTS, Mr. SAYLOR, Mr. MONTGOMERY, and Mr. SCOTT for bringing to the floor this fine piece of legislation.

The SPEAKER pro tempore. Does the gentleman from California desire to yield further time?

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking minority member of the subcommittee which handled this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, the bill before this House today represents a giant step forward in solving the

dilemma in which most veterans who are in receipt of both monthly pension payments and social security benefits or other income maintenance programs find themselves.

Years before any of us became Members of the House of Representatives, the Congress determined that need, disability, and unemployability were essential prerequisites in determining a veteran's entitlement to nonservice connected pension benefits. Need is also a factor in ascertaining a widow's eligibility for pension.

In recent years, disability, and unemployability have been eliminated as determining factors for veterans who have reached 65 years of age. Although there has been varied opinion as to the level of income that is representative of true financial need, the Congress has consistently adhered to the philosophy that the payment of pensions to veterans and widows must be based upon financial need.

Various levels of need and the amount of pension payable are determined by a schedule of limitations on income from other sources as set forth in the law. As income increases, the amount of pension payable is reduced. Since Social Security payments and other retirement annuities are, in fact, income it follows that increases in these types of payments cause the reduction or termination of a veteran's or widow's pension.

Just a few years ago, the schedule of income limitations was divided into three income brackets. There was a significant difference in the amount of pension payable to those in each of the three groups. Thus, it was possible for a veteran to receive a modest increase in social security while suffering a far greater reduction in his Veterans' Administration pension. To correct this ridiculous situation in which an increase in social security could cause a loss in total income, the Congress revised the schedule of income limitations.

Under current law, there are 20 odd income brackets in increments of $100, ranging from a minimum for an unmarried veteran of $300 to a maximum of $2,300. Each of these income levels warrants a different rate of pension. While this schedule does eliminate the possibility of a reduction in total income upon receipt of an increase in social security, it is still possible for a veteran to lose several dollars a month in pension every time his social security or other retirement benefits are increased.

In order to preserve the status quo with respect to pensioners, the Congress has reacted to the several social security increases in recent years by carefully revising upward the rates of pension and the maximum income limits. This repeated action has protected veterans' pensions and minimized the adverse effect of the several social security increases.

Despite the improvements I have cited, we are still in the position of reacting to protect the veteran pensioner each time social security is increased.

The bill we are presently considering will, in my judgment, greatly improve the pension program and permit the Congress to consider the need for future pension increases on an independent basis and not necessarily under the stimulus of a social security increase.

This measure, first of all, protects each veteran and widow currently on the pension rolls against a reduction in pension that would otherwise occur on the 1st of January 1972, as the result of the 1971 social security increase received on his or her own behalf. It eliminates the existing statutory schedules of income limits and pension rates and substitutes an entirely new formula for determining the monthly pension payment. In the case of a veteran without dependents, the bill establishes a monthly pension rate of $130 if the income from other sources is less than $300 annually. For each dollar of annual income over $300 and up to $1,000, the $130 pension rate is reduced 3 cents. The next $500 of income up to $1,500 reduces the rate by 4 cents for each dollar. The next $300 up to $1,800 annually reduces the rate by 5 cents for each dollar, while each dollar of the next $400 up to $2,200 annually reduces the pension rate by 6 cents. Finally, each dollar of the next $400 up to a maximum income limit of $2,600, reduces the pension by 7 cents for each dollar.

This, Mr. Speaker, I repeat, is the formula set forth in the bill for the veteran without dependents. A similar formula, but varying somewhat in income levels and rates of pension is established for veterans with dependents as well as for both categories of widows.

The most significant comparisons with existing law to keep in mind are these. The maximum monthly pension payable is increased from $121 to $130 for the veteran without dependents. For the veteran with dependents, the maximum payment is increased from $132 to $140 monthly for one dependent; from $137 to $145 for two dependents and from $142 to $150 for three or more dependents.

In the case of widows, the maximum monthly pension is increased from $81 to $87 if there are no minor children and from $99 for widows with one child with $16 for each additional child to $104 and $17 respectively.

The maximum annual income limits for entitlement to any pension for both veterans and widows are increased from $2,300 to $2,600 if there are no dependents and from $3,500 to $3,800 for those with dependents.

The $300 increase in annual income limits also applies to those veterans and widows who are receiving pension under laws in effect prior to 1960, thus protecting them against reduction or termination of pension because of a Social Security increase.

Mr. Speaker, the bill also contains proportionate increases for children without parents who are in receipt of pension benefits. It permits pensioners to exclude from the computation of income amounts paid for unusual medical expenses. In case of the loss of a dependent during a year, the bill permits the Veterans' Administration to continue paying pension at the same rate until the end of the calendar year.

Finally, Mr. Speaker, the bill permits veterans of Mexican border service to receive benefits under the same criteria that is applied to veterans of the Nation's wars.

This bill is sound legislation. In the process of creating a more workable and more equitable pension program, the committee in this measure had provided an overall increase of approximately 6.5 percent to 1.6 million veterans and widows in receipt of pension benefits. The bill was reported unanimously from the compensation and pension subcommittee and it was reported unanimously from the full committee on Veterans' Affairs. The reduction formula concept embodied in this measure enjoys the support of the administration. I shall vote for the bill and urge my colleagues to do the same.

Mr. EDMONDSON. Mr. Speaker, H.R. 11651, liberalizing non-service-connected pension rates and income limitations, is urgently needed by thousands of American veterans.

I have personally sponsored legislation on both subjects and commend the committee for acting to deal more fairly with our veterans, many of whom are living today at poverty levels because of existing payment and income limitation levels.

H.R. 11651 is a good step in the right direction and will surely receive overwhelming approval.

Mr. ROBERTS. Mr. Speaker, I am pleased to rise in support of H.R. 11651. I am privileged to serve on the Compensation and Pension Subcommittee of the Committee on Veterans' Affairs, which held extensive hearings on all bills pending before our committee affecting the non-service-connected pension program, and I feel that H.R. 11651, which the Compensation and Pension Subcommittee reported after a thorough study of this program, is an outstanding bill and one which merits the support of my colleagues in the House of Representatives.

When considering the non-service-connected pension program, I think it is important to keep in mind that this program was initiated for the principal purpose of providing financial assistance to totally disabled veterans based upon need. Many bills which were considered by the subcommittee and for which there has been strong support by some groups provided no benefit whatsoever for the veterans in the lower income brackets and the ones who obviously are in the greatest need of financial assistance. H.R. 11651 benefits all veterans and widows who are now receiving non-service-connected pension benefits. It provides for an average cost-of-living increase of approximately 6.5 percent to approximately 1.6 million veterans and widows receiving benefits under the so-called new pension program. It provides for an annual increase of $300 in the income limitations for veterans and widows receiving pensions under both the old and new pension programs. As a result of the increase in the rates and income limitations, the Veterans' Administration has assured our committee that no pensioner would lose or have a reduction in his pension solely because of the recent increase in social security payments received by the pensioner on his own behalf.

One of the very important features of H.R. 11651 for elderly and seriously disabled veterans is the one which provides that in determining a pensioner's income for pension purposes, the Veterans' Administration shall exclude from the counting of income amounts paid by the claimant for unusual medical expenses. This feature probably will be more beneficial to the elderly and seriously disabled veterans than any other feature.

Many veterans and widows receiving pension benefits are constantly fearful that when they receive an increase in their income from some other source, this could cause a reduction in their pensions in an amount greater than the increase in their other income and thus result in a loss in their total income. H.R. 11651 establishes a new formula for payment of pension which will be more responsive to the needs of veterans and widows and, as long as a pensioner's income does not exceed the maximum annual limitation, preclude the loss of aggregate income in the future when a pensioner might receive an increase in income from some other source, regardless of the source.

Also under the provisions of this bill, Mr. Speaker, children now receiving non-service-connected death pension would receive a cost-of-living increase in their pension rates.

H.R. 11651 further proposes to liberalize the present law regarding the number of days that a veteran of the Mexican Border must have served in Mexico, or on the borders thereof, to receive a non-service-connected pension.

Because of the many benefits that H.R. 11651 provides for those persons receiving non-service-connected pension benefits, and particularly the more needy and elderly veterans of World War I, I strongly recommend this bill to my colleagues and urge its approval.

Mr. HILLIS. Mr. Speaker, today I rise to support two bills which were approved by the House Committee on Veterans' Affairs.

This legislation is aimed at helping the World War I veteran and his widow.

The World War I veteran has long been the forgotten man. Even though I favored legislation which would go further in helping him during his retiring years, I would like to compliment our outstanding chairman, Congressman OLIN TEAGUE, of Texas, who was so influential in getting this legislation passed.

This legislation will enable widows of servicemen who were killed in action to receive an increase in monthly payments.

These measures will also make certain that veterans and widows who are receiving pensions for disability or death that is unrelated to military service will receive monthly increases.

Approximately 176,000 widows will receive a 10-percent increase in their monthly dependency and indemnity compensation rates and 46,000 children will receive a 5-percent increase if these bills are passed.

This legislation will also provide a cost-of-living increase in non-service-connected pension rates payable to approximately 1.6 million veterans and widows and would prevent these pensioners from losing any of their VA pensions because of the 1971 social security benefit increases.

It is my hope that Members of Congress will see their way fit to support this legislation and help these forgotten veterans.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 11651.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 0, not voting 79, as follows:

[Roll No. 389]

YEAS—351

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Selberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—79

Abbitt
Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Barrett
Bell
Betts
Blackburn
Blatnik
Bolling
Cabell
Celler
Chappell
Chisholm
Clausen, Don H.
Collins, Ill.
Conyers
Danielson
Dellums
Derwinski
Diggs
Dowdy
Downing
Dulski
Edwards, La.
Ford, William D.
Galifianakis
Gibbons
Goodling
Halpern
Hanna
Hansen, Idaho
Hawkins
Hébert
Heckler, Mass.
Ichord
Jones, Ala.
Leggett
Lent
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McKay
McKevitt
Macdonald, Mass.
Mann
Mathias, Calif.
Mathis, Ga.
Melcher
Metcalfe
Mikva
Miller, Calif.
Mitchell
Moorhead
Mosher
Moss
O'Neill
Pelly
Purcell
Rangel
Roberts
Rosenthal
Rousselot
Runnels
Skubitz
Smith, N.Y.
Steed
Stokes
Stuckey
Vigorito
Whalley
Widnall
Wilson, Charles H.
Wright
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed:

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Celler with Mr. Halpern.
Mr. Ashley with Mrs. Chisholm.
Mr. Mann with Mr. Ashbrook.
Mr. Mathis of Georgia with Mr. Hansen of Idaho.
Mr. Danielson with Mr. Bell.
Mr. Dulski with Mr. Lent.

Mr. Purcell with Mr. Blackburn.
Mr. O'Neill with Mr. Rousselot.
Mr. McKay with Mr. McClure.
Mr. Charles H. Wilson with Mr. Don H. Clausen.
Mr. Abbitt with Mr. Goodling.
Mr. Alexander with Mr. Pelly.
Mr. Blatnik with Mrs. Heckler of Massachusetts.
Mr. Cabell with Mr. McCloskey.
Mr. Chappell with Mr. Skubitz.
Mr. Dowdy with Mr. Smith of New York.
Mr. Rosenthal with Mr. Conyers.
Mr. Moorhead with Mr. Metcalfe.
Mr. Melcher wtih Mr. McKevitt.
Mr. Galifianakis with Mr. Rangel.
Mr. William D. Ford with Mr. Dellums.
Mr. Diggs with Mr. Derwinski.
Mr. Barrett with Mr. Stokes.
Mr. Moss with Mr. Mathias of California.
Mr. Runnels with Mr. McDonald of Michigan.
Mr. Downing with Mr. Mosher.
Mr. Mikva with Mr. Collins of Illinois.
Mr. Miller of California with Mr. Mitchell.
Mr. Gibbons with Mr. Whalley.
Mr. Link with Mr. Widnall.
Mr. Jones of Alabama with Mr. Zwach.
Mr. Wright with Mr. Hawkins.
Mr. Roberts with Mr. Stuckey.
Mr. Steed with Mr. Vigorito.
Mr. Ichord with Mr. Hanna.
Mr. Leggett with Mr. Betts.
Mr. Anderson of Tennessee with Mr. Macdonald of Massachusetts.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11652) to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

The Clerk read as follows:

H.R. 11652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E–1	$184	W–4	$262
E–2	189	O–1	232
E–3	195	O–2	240
E–4	206	O–3	257
E–5	212	O–4	272
E–6	217	O–5	299
E–7	227	O–6	337
E–8	240	O–7	365
E–9	[1] 251	O–8	399
W–1	232	O–9	429
W–2	241	O–10	[2] 469
W–3	249		

"[1] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $270.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $503.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $22 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $55 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $92.

"(2) Two children, $133.

"(3) Three children, $172.

"(4) More than three children, $172, plus $34 for each child in excess of three."

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$32" and inserting in lieu thereof "$55".

(b) Subsection (b) of section 414 of such title is amended by striking out "$88" and inserting in lieu thereof "$92".

(c) Subsection (c) of section 414 of such title is amended by striking out "$45" and inserting in lieu thereof "$47".

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b) (1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less the monthly rate of dependency and indemnity compensation shall be $100. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,600, the monthly rate shall be reduced 7 cents. No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $70. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents;and for each $1 of annual income in excess of $1,700 up to and including $2,600, the monthly rate shall be reduced 4 cents. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600."

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $67. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 3 cents. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800."

(d) Subsection (g) of such section 415 is amended by redesignating paragraph (2) as (3), and by inserting immediately after subparagraph (1)(M) the following new paragraph:

"(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar."

(e) Such section 415 of title 38, United States Code, is further amended by adding the following new subsection at the end thereof:

"(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $55 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 5. Section 417 of title 38, United States Code, is amended by striking out subsection (a) thereof, and by striking out "(b)".

SEC. 6. Sections 321 and 341 of title 38, United States Code, are each amended by striking out "(or after April 30, 1957, under the circumstances described in section 417 (a) of this title)".

SEC. 7. Section 724 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds."

SEC. 8. Any person who before January 1, 1972, was not eligible for dependency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation.

SEC. 9. Subsection (b) of section 322 of title 38, United States Code, is amended to read as follows:

"(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $55 if the payee is (1) a

patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 10. This Act shall take effect on January 1, 1972.

The SPEAKER pro tempore (Mr. BOGGS). Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas will be recognized for 20 minutes and the gentleman from California will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 11652.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the chairman of the Subcommittee on Compensation and Pension, Mr. DORN, will explain the details of H.R. 11652, but I want to make some general comments concerning this second major proposal which our committee is recommending for the consideration of the Members.

One of the major obligations of our Nation in the field of veterans' legislation is directed to providing reasonable monetary assistance to widows, children, and dependent parents of veterans who died in the service or as a result of service-incurred disabilities. The modern program designed for this purpose was the outcome of extensive hearings and deliberations on the part of a Select Committee on Survivors Benefits which presented its recommendations in 1956. The legislation enacted was effective January 1, 1957. During the succeeding years this program for widows and other survivors has proven to be a marked improvement over the previous program. However, it has been necessary to amend it from time to time as the need for further improvements have been demonstrated.

H.R. 11652 is basically a rate increase bill which can be fully justified in the light of the cost-of-living increases which have occurred since the Congress last had under consideration the adequacy of the rates.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Speaker, H.R. 11652 is basically designed to provide a much needed cost-of-living increase in DIC benefits for widows, children, and depended parents of veterans who died as a result of service-incurred disabilities. Under the bill, approximately 176,000 widows will receive a 10-percent increase in their monthly DIC rates and 46,000 children will receive a 5-percent increase. The higher increase for widows results from the fact that the effective date of their last statutory increase was December 1, 1969, whereas the children rates were last increased on July 1, 1970. Bearing in mind that the increases under the bill will not be effective until January 1, 1972, the percentages I have mentioned will represent approximately the percentage rise in the cost-of-living figures.

The bill will also provide an average increase of 6.5 percent in the DIC rates payable to approximately 68,500 dependent parents. As you know, there are certain income limitations for this class of beneficiaries and the top limitation will be increased by $300.

Incidentally, this is consistent with the increase in the income limitation provided under the pension bill which has just been approved by the House.

With regard to the rates of DIC which are payable according to income, the bill sets up a new formula based on income. The principle of this formula was devised and recommended by the Veterans' Administration and was discussed in detail during our previous consideration of the pension bill, H.R. 11652.

For many years certain widows have been relegated to the death compensation rates rather than the higher DIC rates because their husbands unfortunately died with a so-called inservice waiver of their national service life insurance premiums. In effect, this has caused considerable hardship and, although liberalized to some extent in the past Congress, we have been made aware of great inequities that still exist. A provision in this bill would further liberalize this situation so that all widows may now receive the higher DIC rates. This provision was also recommended by the Veterans' Administration.

Finally, we recommend two minor amendments to the bill as introduced, which would grant an additional aid and attendance allowance of $55 per month to a dependent parent receiving death compensation—the bill as introduced extends this allowance to a parent receiving DIC—and a similar additional DIC allowance to a child who has become permanently incapable of self-support.

The cost of the bill for the first full year has been estimated as $67.8 million, increasing slightly each year thereafter and reaching $70.9 million the fifth year.

Mr. Speaker, at this point I insert in my remarks pertinent tabular and cost data which I believe will be useful and informative to the Members:

Mr. Speaker, I urge approval of H.R. 11652.

I include the following:

H.R. 11652 DIC—WIDOWS

Pay grade	Current rate	Proposed 10-percent increase
E-1	$167	$184
E-2	172	189
E-3	177	195
E-4	187	206
E-5	193	212
E-6	197	217
E-7	206	227
E-8	218	240
E-9	228	251
W-1	211	232
W-2	219	241
W-3	226	249
W-4	238	262
O-1	211	232
O-2	$218	$240
O-3	234	257
O-4	247	272
O-5	272	299
O-6	306	337
O-7	332	365
O-8	363	399
O-9	390	429
O-10	426	469
E-9—Senior NCO of Service	245	270
O-10—Chairman, Joint Chiefs or Chief of Staff	457	503

H.R. 11652 DIC—PARENTS

	Only 1 parent		2 parents not together		2 parents—together or remarried with spouse	
	Current	Formula	Current	Formula	Current	Formula
Income not more than—						
$100	$96	$100	$66	$70	$64	$67
200	96	100	66	70	64	67
300	96	100	66	70	64	67
400	96	100	66	70	64	67
500	96	100	66	70	64	67
600	96	100	66	70	64	67
700	96	100	66	70	64	67
800	96	100	66	70	64	67
900	94	97	64	68	64	67
1,000	91	94	61	66	64	67
1,100	87	91	58	64	62	66
1,200	81	88	54	61	60	65
1,300	75	84	50	58	58	64
1,400	69	80	46	55	56	62
1,500	62	76	41	52	54	60
1,600	54	72	35	49	52	58
1,700	46	67	29	46	49	56
1,800	38	62	23	42	46	54
1,900	31	57	20	38	44	52
2,000	25	51	16	34	42	50
2,100	18	45	14	30	40	48
2,200	12	38	12	26	38	46
2,300	10	31	10	22	35	44
2,400		24		18	33	42
2,500		17		14	31	40
2,600		10		10	29	38
2,700					27	36
2,800					25	34
2,900					23	32
3,000					21	30
3,100					19	28
3,200					17	26
3,300					14	24
3,400					12	22
3,500					10	19
3,600						16
3,700						13
3,800						10

THE FORMULA APPLYING TO DEPENDENT PARENTS

ONE PARENT

Top Monthly Rate—$100. (Countable income $800 per annum or less)

If income is in excess of $800 per annum, the $100 monthly payment is reduced on an individual basis through application of the following formula:

$801 through $1,200, payment reduced in amount of 3¢ per $1.00 of income above $800.

$1,201 through $1,600, payment reduced in amount of 4¢ per $1.00 of income above $1,200.

$1,601 through $1,900, payment reduced in amount of 5¢ per $1.00 of income above $1,600.

$1,901 through $2,100, payment reduced in amount of 6¢ per $1.00 of income above $1,900.

$2,101 through $2,600, payment reduced in amount of 7¢ per $1.00 of income above $2,100.

TWO PARENTS NOT LIVING TOGETHER

Top Monthly Rate—$70 each. (Countable income of each parent $800 per annum or less)

If income of each parent is in excess of $800 per annum, the $70 monthly payment is reduced on an individual basis through application of the following formula:

$801 through $1,100, payment reduced in

amount of 2¢ per $1.00 of income above $800.

$1,101 through $1,700, payment reduced in amount of 3¢ per $1.00 of income above $1,100.

$1,701 through $2,600, payment reduced in amount of 4¢ per $1.00 of income above $1,700.

TWO PARENTS LIVING TOGETHER

Top Monthly Rate—$67 each. (Joint countable income is $1,000 per annum or less)

If joint income is in excess of $1,000 per annum, the $67 monthly payment is reduced on an individual basis through application of the following formula:

$1,001 through $1,300, payment reduced in amount of 1¢ per $1.00 of income above $1,000.

$1,301 through $3,400, payment reduced in amount of 2¢ per $1.00 of income above $1,300.

$3,401 through $3,800, payment reduced in amount of 3¢ per $1.00 of income above $3,400.

For example, in the case of two parents living together, the beneficiaries might have joint countable income of $3,453. Their DIC payment will be computed as follows:

$1,300	$3,400	$3,453
1,000	1,300	3,400
$300×1¢=$3	$2,100×2¢=$42	$53×3¢=$1.59

The above figures ($3, $42, $1.59) added produce a total of $46.59, which is then subtracted from the maximum monthly rate of $67, to provide for payment of DIC to these dependent parents in the amount of $20.41. Under current law, these parents are eligible to receive $10 per month, an increase under H.R. 11652 of $10.41 per month.

A comparison of old and new rates for widows receiving dependency and indemnity compensation follows:

WIDOWS [1]

	Current rate	H.R. 11652
Pay grade:		
E-1	$167	$184
E-2	172	189
E-3	177	195
E-4	187	206
E-5	193	212
E-6	197	217
E-7	206	227
E-8	218	240
E-9	228	251
W-1	211	232
W-2	219	241
W-3	226	249
W-4	238	262
O-1	211	232
O-2	218	240
O-3	234	257
O-4	247	272
O-5	272	299
O-6	306	337
O-7	332	365
O-8	363	399
O-9 [2]	390	429
O-10 [3]	426	469

[1] Applicable rate increased by $55 per month if beneficiary qualifies for aid and attendance.
[2] E-9 Senior NCO of service $245; under H.R. 11652 $270.
[3] O-10 Chairman Joint Chiefs or Chief of Staff, $457; under H.R. 11652, $503

COST

There follows an itemized breakdown of the cost of H.R. 11652 by years, by categories of beneficiaries, and in toto for the first 5 years.

H.R. 11652

SEC. 1

The estimated 5-year costs for sec. 1 are as follows: [1]

Year:	Cost
1	$45,500,000
2	47,100,000
3	48,200,000
4	49,500,000
5	50,700,000
Fiscal year 1972 costs (6 months)	22,700,000

The costs and caseloads detailed by paragraph are:

PAR. (a)—DIC RATE INCREASE TO WIDOWS

Year	Widows	Annual cost
1	183,000	$43,600.00
2	190,000	45,200.00
3	194,000	46,200.00
4	199,000	47,400.00
5	204,000	48,600.00

PAR (b)—DIC WIDOWS WITH 1 OR MORE CHILDREN; EACH CHILD FROM $20 TO $22

Year	Children	Annual cost
1	75,400	$1,800,000
2	79,900	1,900,000
3	82,490	2,000,000
4	85,900	2,100,000
5	89,300	2,100,000

PAR. (c)—DIC WIDOWS A. & A. AT $55

No change to present law.

SEC. 2

The estimated 5-year costs and caseloads for sec. 2 are:

INCREASED RATES TO DIC CHILDREN ALONE

Year	Children	Annual cost
1	46,600	$1,800,000
2	46,100	1,800,000
3	45,600	1,700,000
4	45,100	1,700,000
5	44,700	1,700,000

SEC. 3

The estimated 5-year costs and caseloads for sec. 3 are:

PARS. (a), (b), AND (c)—HELPLESS DIC CHILD, 1 CHILD FROM $32 TO $55, CHILD FROM $88 TO $92, AND (c) $45 TO $47

Year	Children	Annual cost
1	6,700	$700,000
2	7,700	700,000
3	8,700	800,000
4	9,600	900,000
5	10,500	1,000,000

SEC. 4

The 5-year estimated costs for sec. 4 are:

Year:	Costs
1	$15,500,000
2	15,000,000
3	14,300,000
4	13,700,000
5	13,100,000
Fiscal year 1972 costs (6 months)	7,750,000

The costs and caseloads for sec. 4 detailed by paragraphs are:

PARS. (a) THROUGH (d)

Year	Caseload	Costs
1	50,427	$2,900,000
2	48,551	2,900,000
3	46,440	2,700,000
4	44,329	2,600,000
5	42,218	2,500,000

PAR. (e)—DIC TO PARENTS $55 A & A AND SEC. 9. DEATH COMPENSATION TO PARENTS $55 A & A

	DIC parents		Compensation parents		Total parents	
Year	Number	Annual cost (millions)	Number	Annual cost (millions)	Number	Annual cost (millions)
1	3,200	$2.112	15,900	$10.494	19,100	$12.6
2	3,300	2.178	15,100	9.966	18,400	12.1
3	3,400	2.244	14,200	9.372	17,600	11.6
4	3,500	2,310	12,300	8.778	16,800	11.1
4	3,500	2,310	12,300	8.778	16,800	11.1
5	3,600	2.376	12,400	8.184	16,000	10.6

SECS. 5 THROUGH 8

The 5-year estimated costs and caseload for secs. 5-8 are:

Year	Caseload	Costs
1	3,400	$4,400,000
2	3,400	4,400,000
3	3,400	4,400,000
4	3,400	4,400,000
5	3,400	4,400,000

Note: Though there would be some savings to the insurance fund(s) as a result of implementation of sec. 7, the amount would be insignificant. The amounts shown above, thus, would be attributable to the "Compensation and pensions" appropriation.

Total cost of H.R. 11652: [1]	
1st year	$67,800,000
2d year	69,000,000
3d year	69,400,000
4th year	70,200,000
5th year	70,900,000
Costs by fiscal year:	
1972	33,900,000
1973	68,400,000
1974	69,200,000
1975	69,800,000
1976	70,600,000
1977	71,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

Mr. TEAGUE of California. Mr. Speaker, the bill, H.R. 11652, will provide a cost of living increase in dependency and indemnity compensation benefits payable monthly to the survivors of veterans who died in service or as the result of service-incurred disabilities. Included in the group that will benefit from this legislation are the widows, orphans, and dependent parents of men who died on the battlefield of our Nation's wars.

The increases are 10 percent for widows, 5 percent for children when there is no widow involved, and an overall increase of 6.5 percent for dependent parents. The variation in these percentages results from the fact that the increases are representative of increases in the cost of living since the last adjustment in the rates for each of these categories of survivors.

I want to express my appreciation to the gentleman from South Carolina (Mr. DORN), chairman of the Subcommittee on Compensation and Pension, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking minority member, and their colleagues on the subcommittee for presenting this needed legislation. The Veterans' Administration has expressed its support of an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. This is needed legislation, Mr. Speaker, and I shall support it.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking minority member of the subcommittee.

Mr. HAMMERSCHMIDT. Mr. Speaker, H.R. 11652 will auhorize a much-needed cost-of-living increase in the monthly rates of dependency and indemnity compensation payable to the survivors of veterans who died in service or as the result of service-connected disabilities.

Mr. Speaker, let me emphasize the fact that this bill relates exclusively to the

survivors of service-connected deceased veterans. They are the widows, children, and dependent parents of men who were killed in action or died as the result of war wounds, injuries, or disabilities. The Congress has, since its beginning, given the highest priority consideration to this deserving group and no group of our citizens is more deserving of the compassion and generosity of a grateful nation. The increased cost of living has affected the survivors of our war casualties in the same manner as it has affected other segments of our society. H.R. 11652 authorizes increases in monthly benefits that are commensurate in most instances with the percentage rise in the cost of living since the last adjustment in their monthly benefits.

Existing law authorizes monthly payments of dependency and indemnity compensation to widows, with the amount based upon the pay grade of her deceased husband. These rates currently range from $167 per month for military pay grade E–1 to $457 monthly for the widow of the highest ranking O–10. If the widow has minor children, these rates are increased by $20 for each child.

Monthly payments to this deserving group were last adjusted on December 1, 1969. Since that time, the cost of living as measured by the Consumer Price Index has risen more than 9 points. The bill proposes an approximate 10-percent increase in monthly payments ranging from $184 monthly for the widow of an E–1 to $503 monthly for the highest ranking O–10. The additional allowance for children is increased to $22 for each child.

The Veterans' Administration also pays benefits to approximately 46,000 orphaned children of service-connected deceased veterans. These children are paid a flat statutory rate that is unrelated to the military rank of their deceased father. The payments currently range from $88 for one child to $164 for three children, plus $32 for each child in excess of three. Under the bill, these rates are raised to $92 and $172, respectively, plus $34 for each child in excess of three.

Under the law, parents are also entitled to monthly dependency and indemnity compensation payments. Unlike widows and children, however, parents receive benefits only if they meet certain dependency criteria. Dependency, under the law, is determined by a schedule of limitations on annual income, much in the same manner as the schedule utilized in the non-service-connected pension program. For example, in case of only one parent, a total annual income of less than $800 a year entitles the parent to the maximum monthly DIC payment of $96. The minimum DIC payment for one parent under existing law is $10 monthly for an annual income of more than $2,200 and less than $2,300.

This schedule, under the committee's proposal, is eliminated and an entirely new formula which is more responsive to increases in income from other sources is substituted. The new formula would prevent any loss of total income when the parent receives an increase in income from sources other than the DIC payments.

The bill also provides an aid and attendance allowance of $55 per month for dependent parents if they are in a nursing home or are so disabled they require the regular aid and attendance of another person. This is similar to the benefit that is already provided to certain seriously disabled veterans and widows. The current allowance of $32 for a helpless child who is incapable of self-support upon reaching the age of 18 years is increased to $55 monthly under the bill.

Mr. Speaker, this bill will provide needed increases to 176,000 widows, 46,000 children, and 68,500 dependent parents of service-connected deceased veterans. Administration spokesmen, during the hearings that produced this legislation, said:

> We believe DIC beneficiaries should be granted an adjustment in benefits to compensate for price increases that have occurred since the last benefit increase.

H.R. 11652 accomplishes this purpose. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 11652. This bill will give a sorely needed cost-of-living increase to the widows, children, and dependent parents of those veterans who either died in service or after discharge from a service-incurred disability.

The increases are approximately 10 percent to widows, 5 percent to children, and 6.5 percent for dependent parents.

Income limitations are increased by $300 for dependent parents.

A very important change is an additional allowance of $55 to the parent who is a patient in a nursing home or who is so helpless or blind as to be in need of a regular aid or attendant. This same extra allowance is extended to parents receiving death compensation under the law in effect prior to January 1, 1957.

This measure also will permit those persons receiving death compensation because they were ineligible to elect to receive dependency and indemnity compensation to now make an election in favor of the latter.

The current extra allowance of $32 to a child who is over 18 and incapable of self-support will be increased to $55.

I believe this legislation is necessary and so favor it.

Mr. EDMONDSON. Mr. Speaker, I commend the great Committee on Veterans' Affairs for its action in recommending passage of H.R. 11652, and strongly support the bill.

Adjustment of payments to the widows and children of deceased veterans is urgently needed, and the bill substantially improves the economic position of these Americans.

I am sure the bill will be overwhelmingly approved.

Mr. ROBERTS. Mr. Speaker, as a member of the Compensation and Pension Subcommittee of the Committee on Veterans' Affairs, which favorably reported H.R. 11652, I am pleased to rise in support of it.

This bill proposes to provide a cost-of-living increase for a most deserving group—widows, children and dependent parents of veterans who died as a result of service-incurred disabilities.

Dependency and indemnity compensation benefits for eligible widows were last increased effective December 1, 1969. H.R. 11652 proposes to provide a 10-percent increase in the benefits for those widows and this amount of increase will more than adequately cover the percentage of increase in the cost of living since the date of their last increase.

Dependency and indemnity compensation benefits for eligible children were last increased July 1, 1970. Therefore, the 5-percent increase proposed by H.R. 11652 for these beneficiaries more than represents the increase in the cost of living since the date of their last increase.

H.R. 11652 further proposes to increase by $300 the annual income limitations for dependent parents receiving dependency and indemnity compensation benefits as well as provide an average increase of about 6.5 percent in the monthly rates. As a result of this bill's proposed rate and income limitation increases for dependent parents' DIC benefits, the Veterans' Administration has assured us that no dependent parent would lose his DIC payments nor have a loss in his aggregate income solely because of the 1971 increase in his social security benefits.

Under the current law, widows receiving dependency and indemnity compensation benefits are entitled to an additional $55 monthly aid-and-attendance allowance if they are suffering from disabilities which require the constant assistance of another person or they are patients in nursing homes. This bill proposes to also provide the additional $55 monthly aid-and-attendance allowance to eligible parents receiving benefits under the dependency and indemnity compensation program or the death compensation program.

H.R. 11652 would establish a new formula for the payment of dependency and indemnity compensation benefits to dependent parents whereby when a dependent parent receives an increase in income from some other source and, as long as his other income does not exceed the income limitation of the dependency and indemnity compensation program, he would not have a loss in his aggregate income. I think this is an outstanding feature of this bill and one which will do much to help relieve a dependent parent's anxiety in reference to the possibility of the loss in total income because of a reduction in DIC payments whenever there is an increase in his income from some other source.

Mr. Speaker, I am pleased to recommend this bill to my colleagues and urge its adoption.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill, H.R. 11652.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 0, not voting 80, as follows:

[Roll No. 390]

YEAS—350

Abernethy	Donohue	Karth
Abourezk	Dorn	Kastenmeier
Abzug	Dow	Kazen
Adams	Drinan	Keating
Addabbo	Duncan	Kee
Anderson, Calif.	du Pont	Keith
	Dwyer	King
Anderson, Tenn.	Eckhardt	Kluczynski
	Edmondson	Koch
Andrews, Ala.	Edwards, Ala.	Kuykendall
Andrews, N. Dak.	Edwards, Calif.	Kyl
	Eilberg	Kyros
Annunzio	Erlenborn	Landgrebe
Archer	Esch	Landrum
Arends	Eshleman	Latta
Aspin	Evans, Colo.	Leggett
Aspinall	Evins, Tenn.	Lennon
Badillo	Fascell	Lloyd
Baker	Findley	Long, Md.
Baring	Fish	Lujan
Begich	Fisher	McClory
Belcher	Flood	McCollister
Bennett	Flowers	McCulloch
Bergland	Flynt	McDade
Betts	Foley	McEwen
Bevill	Ford, Gerald R.	McFall
Biaggi	Forsythe	McKinney
Biester	Fountain	McMillan
Bingham	Fraser	Macdonald, Mass.
Blanton	Frelinghuysen	
Boggs	Frenzel	Madden
Boland	Frey	Mahon
Bow	Fulton, Tenn.	Mailliard
Brademas	Fuqua	Martin
Brasco	Gallagher	Matsunaga
Bray	Garmatz	Mayne
Brinkley	Gaydos	Mazzoli
Brooks	Gettys	Meeds
Broomfield	Giaimo	Michel
Brotzman	Goldwater	Miller, Ohio
Brown, Mich.	Gonzalez	Mills, Md.
Brown, Ohio	Grasso	Minish
Broyhill, N.C.	Gray	Mink
Broyhill, Va.	Green, Oreg.	Minshall
Buchanan	Green, Pa.	Mizell
Burke, Fla.	Griffin	Mollohan
Burke, Mass.	Griffiths	Monagan
Burleson, Tex.	Gross	Montgomery
Burlison, Mo.	Grover	Morgan
Burton	Gubser	Morse
Byrne, Pa.	Gude	Murphy, Ill.
Byrnes, Wis.	Hagan	Murphy, N.Y.
Byron	Haley	Myers
Caffery	Hall	Natcher
Camp	Hamilton	Nelsen
Carey, N.Y.	Hammer-schmidt	Nichols
Carney		Nix
Carter	Hanley	Obey
Casey, Tex.	Hanna	O'Konski
Cederberg	Hansen, Wash.	O'Neill
Chamberlain	Harrington	Passman
Clancy	Harsha	Patman
Clark	Harvey	Patten
Clawson, Del	Hastings	Pepper
Clay	Hathaway	Perkins
Cleveland	Hays	Pettis
Collier	Hechler, W. Va.	Peyser
Collins, Tex.	Heinz	Pickle
Colmer	Helstoski	Pike
Conable	Henderson	Pirnie
Conte	Hicks, Mass.	Poage
Corman	Hicks, Wash.	Podell
Cotter	Hillis	Poff
Coughlin	Hogan	Preyer, N.C.
Crane	Holifield	Price, Ill.
Culver	Horton	Price, Tex.
Daniel, Va.	Hosmer	Pryor, Ark.
Daniels, N.J.	Howard	Pucinski
Davis, S.C.	Hull	Quie
Davis, Wis.	Hungate	Quillen
de la Garza	Hunt	Railsback
Delaney	Hutchinson	Randall
Dellenback	Ichord	Rarick
Denholm	Jacobs	Rees
Dennis	Jarman	Reid, N.Y.
Dent	Johnson, Calif.	Reuss
Devine	Johnson, Pa.	Rhodes
Dickinson	Jonas	Riegle
Dingell	Jones, Tenn.	Robinson, Va.
Robison, N.Y.	Sikes	Tiernan
Rodino	Sisk	Udall
Roe	Slack	Ullman
Rogers	Smith, Calif.	Van Deerlin
Roncalio	Smith, Iowa	Vander Jagt
Rooney, N.Y.	Snyder	Vanik
Rooney, Pa.	Spence	Veysey
Rostenkowski	Springer	Waggonner
Roush	Staggers	Waldie
Roy	Stanton, J. William	Wampler
Roybal		Ware
Ruppe	Stanton, James V.	Whalen
Ruth		White
Ryan	Steele	Whitehurst
St Germain	Steiger, Ariz.	Whitten
Sandman	Steiger, Wis.	Wiggins
Sarbanes	Stephens	Williams
Satterfield	Stratton	Wilson, Bob
Saylor	Stubblefield	Winn
Scherle	Sullivan	Wolff
Scheuer	Symington	Wyatt
Schmitz	Talcott	Wydler
Schneebeli	Taylor	Wylie
Schwengel	Teague, Calif.	Wyman
Scott	Teague, Tex.	Yates
Sebelius	Terry	Yatron
Seiberling	Thompson, Ga.	Young, Fla.
Shipley	Thompson, N.J.	Young, Tex.
Shoup	Thomson, Wis.	Zablocki
Shriver	Thone	Zion

NAYS—0

NOT VOTING—80

Abbitt	Galifianakis	Mitchell
Alexander	Gibbons	Moorhead
Anderson, Ill.	Goodling	Mosher
Ashbrook	Halpern	Moss
Ashley	Hansen, Idaho	Nedzi
Barrett	Hawkins	O'Hara
Bell	Hébert	Pelly
Blackburn	Heckler, Mass.	Powell
Blatnik	Jones, Ala.	Purcell
Bolling	Jones, N.C.	Rangel
Cabell	Kemp	Roberts
Celler	Lent	Rosenthal
Chappell	Link	Rousselot
Chisholm	Long, La.	Runnels
Clausen, Don H.	McCloskey	Skubitz
	McClure	Smith, N.Y.
Collins, Ill.	McCormack	Steed
Conyers	McDonald, Mich.	Stokes
Danielson		Stuckey
Davis, Ga.	McKay	Vigorito
Dellums	McKevitt	Whalley
Derwinski	Mann	Widnall
Diggs	Mathias, Calif.	Wilson, Charles H.
Dowdy	Mathis, Ga.	
Downing	Melcher	Wright
Dulski	Metcalfe	Zwach
Edwards, La.	Mikva	
Ford, William D.	Miller, Calif.	
	Mills, Ark.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Celler with Mr. Halpern.
Mr. Ashley with Mrs. Chisholm.
Mr. Mann with Mr. Ashbrook.
Mr. Mathis of Georgia with Mr. Hansen of Idaho.
Mr. Danielson with Mr. Bell.
Mr. Dulski with Mr. Lent.
Mr. Purcell with Mr. Blackburn.
Mr. Davis of Georgia with Mr. Rousselot.
Mr. McKay with Mr. McClure.
Mr. Charles H. Wilson with Mr. Don H. Clausen.
Mr. Abbitt with Mr. Goodling.
Mr. Alexander with Mr. Pelly.
Mr. Blatnik with Mrs. Heckler of Massachusetts.
Mr. Cabell with Mr. McCloskey.
Mr. Chappell with Mr. Skubitz.
Mr. Dowdy with Mr. Smith of New York.
Mr. Rosenthal with Mr. Conyers.
Mr. Moorhead with Mr. Metcalfe.
Mr. Melcher with Mr. McKevitt.
Mr. Galifianakis with Mr. Rangel.
Mr. William D. Ford with Mr. Dellums.
Mr. Diggs with Mr. Derwinski.
Mr. Barrett with Mr. Stokes.
Mr. Moss with Mr. Mathias of California.
Mr. Runnels with Mr. McDonald of Michigan.
Mr. Downing with Mr. Mosher.
Mr. Mikva with Mr. Collins of Illinois.
Mr. Miller of California with Mr. Mitchell.
Mr. Gibbons with Mr. Whalley.
Mr. Link with Mr. Widnall.
Mr. Jones of Alabama with Mr. Zwach.
Mr. Wright with Mr. Hawkins.
Mr. Roberts with Mr. Stuckey.
Mr. Steed with Mr. Vigorito.
Mr. O'Hara with Mr. Powell.
Mr. Jones of North Carolina with Mr. Kemp.
Mr. McCormack with Mr. Nedzi.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING GRANTS FOR THE NAVAJO COMMUNITY COLLEGE

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5068) to authorize grants for the Navajo Community College, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5068

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 "Navajo Community College Act."

PURPOSE

SEC. 2. It is the purpose of this Act to assist the Navajo Tribe of Indians in providing education to the members of the tribe and other qualified applicants through a community college, established by that tribe, known as the Navajo Community College.

GRANTS

SEC. 3. The Secretary of Interior is authorized to make grants to the Navajo Tribe of Indians to assist the tribe in the construction, maintenance, and operation of the Navajo Community College. Such college shall be designed and operated by the Navajo Tribe to insure that the Navajo Indians and other qualified applicants have educational opportunities which are suited to their unique needs and interests.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. For the purpose of making grants under this Act, there are hereby authorized to be appropriated not to exceed $5,500,000 for construction, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations from 1971 construction costs as indicated by engineering cost indexes applicable to the types of construction involved, and an annual sum for operation and maintenance of the college that does not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

The SPEAKER pro tempore. Is a second demanded?

Mr. STEIGER of Arizona. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida, Mr. HALEY, will be recognized for 20 minutes, and the gentleman from Arizona (Mr. STEIGER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 5068 is to authorize a Federal financial contribution to the construction and operation of the Navajo Community College, which is a college established and operated by the Navajo Tribe.

The bill as amended by the committee authorizes the appropriation of $5½ million as a grant to the Navajo Tribe to assist the tribe in the construction of the college. The bill also authorizes the appropriation of annual sums as a grant to the Navajo Tribe to assist in the operation and maintenance of the college. The latter sum may not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

The Navajo Community College is the first college established on an Indian reservation, and it is the only college established and operated by an Indian tribe.

The college has been in operation since January 1969. It is presently using available space in the Many Farms High School building, which is a Federal school located on the reservation. Construction of the college buildings has begun, however, and construction will be undertaken in three stages as funds are available. The total estimated cost of construction is $17,000,000. This bill authorizes the Bureau of Indian Affairs to furnish $5,500,000 of that amount.

The annual cost of operation will vary with the number of students that are enrolled. The tribe has asked the Bureau of Indian Affairs to contribute $1,200,000 based on an enrollment of 400 students, and $3,360,000 based on an enrollment of 1,500 students. Both of these figures are within the formula adopted by the committee. The average per capita cost of Indian students attending three schools of higher learning that are operated by the Bureau of Indian Affairs is $3,700.

The Office of Economic Opportunity contributed the major portion of the funds used for the operation of the college to the present time. The grants totaled $2,292,899, and they were made as a part of a demonstration and research program. The OEO's evaluation is that the demonstration was a success, that the college is functioning successfully, and that it should be continued on a permanent basis.

The Navajo Community College is different from the ordinary community college. It is tailored to meet the unique needs of the Navajo people, adults as well as children. The student body includes people of all ages, and the curriculum includes academic, vocational, and adult education subjects. The college is intended to supplement, and not be a substitute for, other college opportunities. Some students may prefer to attend off-reservation colleges. Some of them may prefer to start at the community college and continue elsewhere. Others will not wish to leave the reservation and will want an education fitted to their reservation way of life. The college recognizes these different needs.

Enactment of the bill will involve the appropriation of $5,500,000 for construction money in fiscal years 1973 and 1974, and the appropriation of annual sums for the operation of the college that would not exceed $5,500,000 per year on the basis of present cost figures. For purposes of comparison, it should be noted that in connection with the elementary and secondary educational programs on the Navajo Reservation the Federal Government has spent more than $117,500,000 for construction during the past 10 years, and the current operation expense is more than $53 million per year. The proposed expenditures for the Navajo Community College are modest in comparison.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to tell the distinguished gentleman from Colorado (Mr. ASPINALL) how very enthusiastic I am about this legislation and sincerely appreciate the efforts of both the gentleman from Colorado and the gentleman from Florida (Mr. HALEY) in bringing this legislation before the House.

Mr. Speaker, the purpose of this bill is to authorize Federal financial contribution to the construction and operation of the Navajo Community College in an amount not to exceed $5,500,000 for construction, plus or minus amounts justified by reason of fluctuations from 1971 construction costs as indicated by applicable engineering cost indexes and an annual sum for operation and maintenance of the college that does not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

The Navajo Community College was established by and has been run by the Navajo Tribe of Indians since January 1969. Current enrollment is 571. Expected enrollment after completion of the new facilities is 1,500. The college has been funded by the tribe, the Office of Economic Opportunity, and by gifts and contributions. Since its inception, the college has been operating in unused space in the Many Farms High School in the Navajo Reservation at Many Farms, Ariz. That space will shortly be needed by the high school.

This college is unique and the need for it is unique. The Navajo population of school-age children is 55,181. There is no other local institution of higher learning on the reservation. Many Indians are unwilling to leave their homes to attend colleges. Many of those that do leave find their new environment hostile and drop out. Many cannot find the type of training they want. The college is tailored to meet the needs of the Navajo people—adults and children. People of all ages will be attending the school. The curriculum contains academic, vocational, and adult education subjects. At full capacity, it is estimated that two-thirds of the students enrolled in the college will be taking vocational-technical courses.

In order for the college to expand to an expected enrollment of 1,500, Federal funds will be needed. The estimated cost of building and equipping the college plant is $17,000,000. The Navajo Tribe anticipates contributing $1,000,000 toward construction and about $2,000,000 are expected to be contributed by industry, foundations, and individuals of which $98,000 have already been committed. The Department of Housing and Urban Development is expected to loan $5.5 million, and the Bureau of Indian Affairs is expected to allocate a like amount. The Economic Development Administration is expected to allocate $3,000,000 toward construction.

Annual operating costs will increase as the college enrollment increases. Presently, those costs are about $1.3 million. The tribe is currently contributing $250,000 a year toward operations and expects to continue making contributions. The Bureau of Indian Affairs has been asked to contribute $1,200,000 toward operating funds for an enrollment of 400 and $3,360,000 when enrollment is at full capacity. The need for Federal operating grants, in part, depends on the number of non-Bureau of Indian Affairs scholarship students able to meet tuition charges from personal or scholarship funds. The Committee on Interior and Insular Affairs agreed with the general policy recommendation of the Department of the Interior that the amount of Federal support for Indian students attending the college should not exceed the present per capita amount which the Federal Government pays for the education of Indian students at federally operated institutions. The bill limits annual Federal grants for operations to that amount.

I also want to point out that the college is and will be open to anyone qualified for admittance. To make that absolutely clear, the Committee on Interior and Insular Affairs amended the bill to so state.

The project, the Navaho Community College, is an example of Indian self-determination at its very best. It is the first college established on an Indian reservation and operated by an Indian tribe. The project is worthy of Federal assistance. I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 5068, a bill which would authorize the appropriation of $5.5 million for construction money which will probably be appropriated in fiscal years 1973 and 1974; and the appropriation of annual sums for operations, all for the Navajo Community College.

This is a case of helping those who have helped themselves. The Navajo Community College was established by the Navajo Indian Tribe in 1969. It is open to all qualified applicants. The college is run by the Navajo Tribe. The tribe contributes $250,000 annually toward operation of the college and expects to contribute $1 million toward construction of the new college plant. The Office of Economic Opportunity contributed a major portion of the cost of the college's operation to the present time under its

demonstration and research grants program. OEO's evaluation of the project, as testified to before the Committee on Interior and Insular Affairs, is that it is an unqualified success.

The Navajo Tribe recognized the need for education beyond high school to keep abreast of our rapidly changing technologically oriented economy. Although some Indians do leave their reservation, enroll in existing colleges and successfully complete the prescribed course of study, of 760 Navajos enrolled in college in 1969, only 47 graduated. The reasons advanced for that woeful statistic are that tribal members are not generally willing to leave their homes to attend college; that the curriculums offered are not relevant in many instances, and that they have great difficulty in adjusting to an environment essentially alien to all they have known. In contrast to that depressing statistic, the present enrollment at the Navajo Community College is reported to be 571 students. Anticipated enrollment when the college reaches full operating capacity is 1,500.

In answer to the problems met by Navajo students at existing off-reservation colleges, the curriculum offered at the Navajo Community College encompasses not only educational subjects, but vocational and technical subjects as well. Students at the college are young and old alike. The college administrators estimate that eventually two-thirds of the student body will be enrolled in vocational and technical courses.

The college is presently accredited by other colleges in Arizona, New Mexico, and Utah and is working toward nationwide accreditation. The North Central Association of Colleges and Secondary Schools has recognized the college and awarded it correspondent status.

For this college to succeed, for it to meet the anticipated needs of the Navajo Indian community, it is going to have to have permanent quarters and associated equipment. It is presently operating out of borrowed rooms in the Many Farms High School located on the reservation under an agreement with the Bureau of Indian Affairs. Several institutions, foundations, and individuals have contributed money or will contribute money toward construction of the campus. The Department of Housing and Urban Development will loan funds for the project. The tribe, itself, will contribute funds. Of the $17 million necessary for construction, the Federal Government has been asked to contribute as a grant $5.5 million, a little over one-third.

It costs money to operate a school as well. The Federal contribution to operations will be in an amount that does not exceed the average amount of the per capita contribution it now makes to the education of Indian students at federally operated institutions of the same type. The tribe and others will also contribute.

In order to insure that this Indian-established, Indian-operated, and Indian-designed school will be built; in order to assure the Indians of the Navajo community and other qualified applicants will have the educational opportunities suited to their needs and interests, I urge your support in passing this bill.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Illinois.

Mr. CRANE. I have a question in connection with the $117 million that has been appropriated over the past 10 years for the construction of schools on the Navajo Reservation.

Mr. STEIGER of Arizona. I do not have the figure before me but there have been a great number of schools erected for elementary and secondary education for the some 130,000 Navajo people. Yes; I assume, since the gentleman has figures there, they are probably accurate.

Mr. CRANE. Then the $117 million deals with primary and secondary schools exclusively; is that correct?

Mr. STEIGER of Arizona. Yes. Heretofore there has been no institution of higher learning on the Navajo Reservation at all. So, the $117 million to which the gentleman refers—and I see the figure now—is only in connection with elementary and secondary education.

Mr. CRANE. Mr. Speaker, if the gentleman will yield further, then the question I have is this: Are not the regular colleges and universities in the States of Arizona and New Mexico and elsewhere in the United States, for that matter, available to graduates of those primary and secondary schools on the reservation?

Mr. STEIGER of Arizona. Yes. There has been no prohibition against Indian attendance at any non-Indian college or university. However, the historical facts are that the Indian students in the non-Indian colleges and universities simply have not been able to cope with the non-Indian curriculum and, therefore, the dropout rate has been phenomenal.

As the gentleman knows, I am highly conservative when it comes to the expenditure of tax dollars, but in my view this will be money extremely well spent because it will require the Indians themselves to make a major contribution and especially the Navajo Tribe to make a major contribuition.

It will require that the students themselves achieve a level at which they are able to achieve and make themselves self-sufficient, and thus remove a burden which has heretofore been present. I am enthusiastic about this program because the BIA has nothing to do with this program, and that makes me, as I say, very enthusiastic about its possible success.

Mr. CRANE. I too share the gentleman's enthusiasm over the absence of the Bureau of Indian Affairs' involvement, but I was questioning the primary and secondary levels of education there, and wondering if they are equipping the Navajo youngsters upon graduation from high school to assume the normal curriculum, unless the overwhelming emphasis in this post-high-school education would be almost exclusively a vocational and technical training designed to meet the needs of the Navajo Reservation.

As I understand it, a portion of it will be performed in technical and vocational training, but I also gather that a portion of it will be designed to help the Navajo youngsters in their transition from the high school to the liberal arts curriculum beyond their 2-year experience in a community college at the colleges and universities of their choice.

Mr. STEIGER of Arizona. I appreciate the gentleman's concern, and his concern is justified, but in this instance in which the Indians have taken control over their own elementary and secondary educational schools, such as at Rough Rock and at Many Farms, we have found that these Navajo children are better able to go on and cope with both Indian and non-Indian higher education. Because the gentleman's concerns are valid I would tell the gentleman that this, as far as I am concerned, is a step in the right direction, but it is by no means the entire ball game.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I thank the gentleman for yielding, and I have taken this time for the purpose of responding to the gentleman's question.

This college will not prohibit in any way an Indian who wants to attend the college of his or her choice. This is a college that we are trying to build so that the Indians can learn a career and be able to cope with many things. He does not have to be a Ph. D. to make a living. And I might add, as I am sure the gentleman is well aware, the fact there are other colleges in the State of Arizona and the other States involved, but when these Indians attend these schools, these schools may be hundreds of miles from any Indian reservation. So what we are really trying to do is to assist the Indians to get on a footing of some equality by receiving an opportunity aimed at preparing them to go through their later life.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, the gentleman from Illinois has, of course, asked a very intelligent question, and has opened up an entire area of discussion here. He ought to have a complete response.

In the first place, the Navajo Reservation is a special place with special problems. You have to remember that one out of every six Indians in the United States is a Navajo, so you have a big concentration of Indian population here. Further, as a matter of hard, cold, practical facts, 60 percent of the adult Navajo Indians do not speak English. What you have here is not a vestige of Indian civilization and Indian life, but a very practical, living example of the same.

Now, we have adopted the philosophy in recent years that we are not going to try to remake our Indian citizens in our own image. We are, as far as possible, retaining for those people all that they consider is good from their own culture.

This immediately creates a big problem for the Indian, and for the Government, and everybody else. But if we are going to permit the Indians to retain their culture we also have to find ways of accommodating that culture and the education of these Navajos into our own

culture so that the Indian will have an opportunity to move either way.

This school will offer a unique opportunity. The student will have an opportunity to go to school and to take academic subjects which prepare him for transfer to another institution.

But beyond that, this is really a pilot project which has already been proven beneficial and workable. There will be people in this community college who never went to high school. There will probably be people who never were in school at all. There will be people who had their education interrupted. In my own mind, and I think this particular philosophy might appeal to the gentleman from Illinois, when I look at the Navajo's culture itself, I see many things we ought to adopt in a measure in our civilization. For instance, the Navajo believes sincerely that a man is part of nature, but a no more important part than anything else. We can use some of that philosophy. The Navajo believes that he suffers ill health when he falls out of harmony with the balanced nature. There is something in each culture with benefit for both.

This Navajo college, I am convinced, offers the best opportunity we have ever had to give these people control of their own education and to get the things they need in that education.

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

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. CRANE. Mr. Speaker, I appreciate the remarks the gentleman just made. Certainly, I am all in favor of permitting individuals in our society to the extent possible to develop their own cultures.

In the debate we had on the floor just last week, I commented on the fact that unfortunately historians have worked to blur some of those cultural inputs in American society in times past which I think is unfortunate because there is a richness in all of these cultures.

My concern over this bill is not so much the moneys allocated for vocational or adult education, but those falling under the designation "academic."

If by academic that phrase is intended to comprehend traditional requirements of a liberal arts college and university, it would seem to me that it might be more prudent to divert the moneys from that emphasis in the bill to making scholarships available to these Navajo youngsters who can make that transition and permit them to go to the University of Arizona or University of New Mexico or to Northwestern University in my own congressional district.

Mr. STEIGER of Arizona. I would just respond to the gentleman by saying that there is in my view more than an adequate mix of both the academic and vocational current proposed plans—or two-thirds vocational.

So I think all of the objections have been complied with.

Mr. Speaker, I yield back the balance of my time. I have no further requests for time.

Mr. HALEY. Mr. Speaker, I recommend the enactment of H.R. 5068.

The Navajo Community College started as an experiment in 1969 with financial backing from the tribe, from several governmental agencies, private foundations, and business organizations. It has demonstrated during the past few years that the college will fill a long-felt need of the Navajo people. It has support from Indians of all ages, and it is time now to provide a firm statuory base for the future operation of the college.

The construction costs are estimated to total about $17 million although the full amount of the money is not "in hand," so to speak; most of it is committed and the college can reasonably be expected to raise the rest of the money that is needed. The contribution to construction costs that is authorized by this bill is $5,500,000, and that is a reasonable sum when compared with the $100,000,000 plus in Federal money spent on elementary and primary school construction on the Navajo Reservation during the past 10 years.

The Federal contribution to the annual operating costs of the college will be limited to the average per capita cost of sending an Indian student to one of the Federal schools for post high school education.

The Indian Affairs Subcommittee expects to maintain continuing legislative oversight of the college, and I have great hope that the college will make an increasing contribution to the education of all age groups on the reservation.

Mr. RHODES. Mr. Speaker, we have before us H.R. 5068, "A bill to authorize grants for the Navajo Community College, and for other purposes." I strongly support this bill and urge that it receive favorable consideration by this body.

For many years the Navajo Tribe has expended substantial efforts to insure educational opportunities for tribal members. Clear proof of this commitment is provided by the figures showing an increasing number of Navajo students enrolled in and completing academic programs.

Yet for the Navajo there are often sacrifices standing in the way of education that few of the rest of us have had to face. There is a sizable number of Navajo high school graduates who are neither interested nor willing to leave their homes to go to college, and, furthermore, many of those who do leave for college will face the very serious problem of trying to adjust to a totally new environment.

Attempting to meet this dilemma, the Navajo Tribe organized and established the Navajo Community College in 1969. Since that time the college has been operating out of the Many Farms High School on the reservation. But, enrollment has increased because the program is working, and there is a desperate need for a separate facility. The Navajos need assistance to meet construction costs and operational expenses. This bill is designed to provide such aid.

The Navajos have done a good job in establishing this institution and the early steps in the accreditation process have already been achieved. I urge the passage of this worthwhile piece of legislation.

Mr. HALEY. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 5068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. HALEY) that the House suspend the rules and pass the bill H.R. 5068, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

INVOLUNTARY CONVERSION TREATMENT FOR REDWOOD TRACTS TAKEN FOR PARK

Mr. ULLMAN. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 11080) relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park, as amended

The Clerk read as follows:

H.R. 11080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act shall apply to any taxpayer—

(1) property of which was compulsorily or involuntarily converted into other property or money by reason of the establishment of the Redwood National Park in Del Norte and Humboldt Counties, California, pursuant to the Act of October 2, 1968 (Public Law 90–545),

(2) which elects the application of this Act pursuant to subsection (b), and

(3) which agrees to accept compensation for the property so converted to the maximum extent of the available resources provided in section 5 of such Act of October 2, 1968 (to the extent such resources are offered to such taxpayer by the Secretary of the Interior or his delegate).

Nothing in paragraph (3) or in any other provision of this Act shall be deemed to affect in any way the right of any person to administrative or judicial proceedings to determine the fair market value of property converted or of property received pursuant to such Act of October 2, 1968.

(b) (1) An election made by the taxpayer to which this Act applies shall be made at such time and in such manner as the Secretary of the Treasury or his delegate may prescribe.

(2) In connection with any such election—

(A) the taxpayer shall choose whether or not paragraph (2) of section 2(a) is to apply with respect to all amounts described in such paragraph (2), and

(B) the taxpayer shall, at such time and in such manner as the Secretary of the Treasury or his delegate may prescribe, designate the particular properties with respect to which, the reduction of basis required by section 2(b) is to be made.

(3) Any election made by the taxpayer to which this Act applies, and any choice or designation described in paragraph (2), shall be binding for the first taxable year affected thereby and for all subsequent taxable years, unless the Secretary of the Treasury or his delegate permits a revocation of such election, choice, or designation, as the case may be.

SEC. 2. (a) In applying section 1033(a)(3) of the Internal Revenue Code of 1954 (relating to involuntary conversions) in the case of a taxpayer to which this Act applies—

(1) The term "other property similar or related in service or use to the property so converted" includes (A) property to be held for productive use in a trade or business of the same kind as one in which the taxpayer, or a corporation controlled by the taxpayer, was engaged on October 2, 1968, and (B) land (and any interest in land), standing timber, and contract rights to cut timber.

(2) The term "acquisition of control of a corporation owning such other property" includes amounts received as payment pursuant to such Act of October 2, 1968, which are paid after October 2, 1968, to purchase or redeem any stock of the taxpayer which was issued during the period beginning on January 1, 1967, and ending on December 31, 1971, in the acquisition of control of a corporation (or to purchase or redeem stock equivalent thereto in number and class of shares).

(3) In lieu of the period referred to in subsection (a)(3)(B), the replacement period referred to in subsection (a)(3(A)—

(A) except as provided in subparagraphs (B) and (C), shall be the period beginning on January 1, 1967, and ending on December 31, 1973, or

(B) in the case of any money received after December 31, 1970, pursuant to such Act of October 2, 1968, shall be 3 years after the close of the taxable year in which such money is received.

(b) To the extent gain is not recognized because subsection (a)(2) applies, such gain shall be applied to reduce the basis for determining gain or loss of the following categories of property held by corporations controlled by the taxpayer on October 2, 1968, or corporations, control of which was acquired before January 1, 1972, in the following order:

(1) Property which is similar or related in service or use (within the meaning of section 1033 of such Code, as modified by subsection (a) of this section);

(2) Property which is of a character subject to the allowance for depreciation under section 167 of such Code;

(3) Other tangible property; and

(4) Intangible property

The manner and amount of the reduction to be applied to a particular property within any of the categories described shall be determined under regulations prescribed by the Secretary of the Treasury or his delegate.

The SPEAKER pro tempore. Is a second demanded?

Mr. WALDIE. Mr. Speaker, I am in opposition to the bill, and I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, this bill, H.R. 11080, relates to the reinvestment of money and property which is received by taxpayers for redwood tracts which are taken by the United States for the purpose of establishing a Redwood National Park in California.

A bill provides, in general, that upon the election of the taxpayer, gain is not to be recognized for Federal income tax purposes when money is received from the United States for the redwood tracts. For the taxpayers to obtain nonrecognition of gain under this bill, the money must be reinvested in property used in a trade or business engaged in by the taxpayer when the redwood tracts were taken or, it must be used, in certain situations, to redeem its own stock.

In 1968, Congress provided for the creation of a Redwood National Park in California. To create this park redwood timberlands of a number of taxpayers were taken for public use. These taxpayers will be paid, or have been paid, in part in cash and in part in other timberland which the United States is exchanging for the redwood tracts. Present law allows nonrecognition only if the proceeds from an involuntary conversion are reinvested in property which is "similar or related in service and use," or, in the case of real property, property which is of a "like kind." Since the supply of redwood timber is limited it will not be possible in many situations for the taxpayers to reinvest the cash proceeds in redwood property. Also, some of these taxpayers were involved only in redwood logging and were not equipped to engage in the cutting of other types of timber.

Because of these circumstances, the committee felt that it was appropriate to allow these taxpayers, whose property was taken for the creation of the national park, to reinvest the sale proceeds in other businesses of the same kind as those in which the taxpayers were engaged at the time their redwood tracts were taken by the United States.

The provisions of this bill will apply only when three conditions are met. First, the bill has application only when property is taken by the United States under the Redwood Act. Second, the bill applies only at the election of the taxpayer. Third, the bill applies only if the taxpayer agrees to accept, as part of the compensation of the redwood tracts, certain other timberlands which the United States has offered to the taxpayer in exchange for the redwood property. This latter requirement was suggested by the Department of the Interior, which has no objection to the bill.

If these three qualifications are met the taxpayer then may obtain nonrecognition of the gain on the redwood property if the money is either: First, invested in property used in a trade or business in which the taxpayer was involved at the time of the taking; or Second, used, under certain conditions, to redeem the taxpayers own stock.

The right to redeem its own stock, and obtain nonrecognition, is limited to the extent the taxpayer issued stock during a 5-year period, 1967 through 1971, to acquire control of another corporation. Under present law, taxpayers reinvesting sales proceeds from an involuntary conversion in stock of another corporation, need not reduce the basis of the assets of that corporation by the amount of gain not recognized. This bill treats taxpayers more severely by requiring a basis reduction.

In this connection, I wish to make a point that, due to a printer's error on page 4 of the committee report, was not made entirely clear in that report. Under the bill, the gain not recognized because of the redemption of stock will be applied to reduce the cost—or other basis—of the property of the controlled subsidiaries in the following order:

First, to property similar to that converted,

Second, to depreciable property,

Third, to other tangible property, and

Fourth, to intangible property.

The period during which taxpayers may reinvest sales proceeds under this bill expires at the end of 1973, or 3 years after the close of the taxable year in which the sales proceeds were received, if later. It is estimated that this bill will reduce revenues by $25 million over the period the bill is applicable. The Treasury does not oppose this bill.

Because the redwood bill came through the Committee on Interior and Insular Affairs, at this time I yield to the distinguished chairman of that committee, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation now before the House involves the income tax treatment of involuntary conversions resulting from the creation of the Redwood National Park in the State of California.

At the time that the Committee on Interior and Insular Affairs and the Congress was considering the authorization of this important national park, everyone recognized that the quantity of old-growth redwoods was severely limited. Conservationists testified that a park should be created so that the giants of nature would not disappear from the face of the earth. Timber companies argued that they should be permitted to harvest them at a reasonable rate because substitute sources of the product could not be found elsewhere. Many citizens living in the communities involved lamented the prospect of the demise of the redwood forest products industry.

Because we were persuaded that a national park should be created to protect a substantal portion of the remaining redwood forests of northern California, the park was authorized. At that same time, in order to resolve the matter as expeditiously as possible, to avoid future cost escalation, and to prevent the harvesting of timber in the area during the period of time between the authorization and the funding, the Congress provided for the legislative taking of the lands within the park boundaries.

As a result of that action, the owners of lands subject to the terms of that act were automatically and immediately divested of title to their property. Naturally, the act provided that they should receive just compensation for their holdings, as is always the case when lands are condemned, but questions concerning the ramifications of this action on the taxable income of the persons and companies involved remained unresolved.

During our deliberations on that legislation, it was emphasized that suitable substitute lands of the same quality and quantity were not available for purchase by any landowner holding lands within the park. Because of this fact, the Interior and Insular Affairs Committee was urged to recommend an amendment which would allow affected companies to reinvest the proceeds arising from the involuntary sale of their lands to the Government in other activities without suffering a tax penalty. We could not make such a recommendation, because we had

no jurisdiction over legislation affecting the Nation's tax laws, but I did agree to introduce legislation to grant the equitable relief sought because of these unusual circumstances. This legislation is the outgrowth of that commitment.

During the 91st Congress, the Committee on Ways and Means considered a comparable measure (H.R. 14873) and recommended its enactment on December 18, 1970, but the matter was approved too late to be considered by the House. This year, similar legislation was reintroduced. It has again been reviewed and reported favorably by the committee having primary jurisdiction over tax measures. There is no question in my mind that this matter has been thoroughly reviewed and I fully support the recommendations which the committee has made.

Mr. Speaker, the basic thrust of this legislation has been explained by our colleague from Oregon (Mr. ULLMAN). There is no need for me to consume the time of the House repeating the points already made. I merely wanted to take this moment to refresh the memories of the Members on the background which led to the introduction of this legislation.

I recommend the approval of H.R. 11080, as recommended by the Committee on Ways and Means.

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

Mr. ULLMAN. I yield to the gentleman from Texas for a question.

Mr. BROOKS. Mr. Speaker, I would like to ask the acting floor leader of this legislation, my distinguished and old friend, the gentleman from Oregon, if he believes that this policy—of allowing recipients of funds—to reinvest them in whatever they want in effect—should be true for other types of forests?

If the Federal Government took for national parklands or some other place hardwoods or pine, for instance, would not those companies, geared up to operate pine or hardwood timbering operations, be entitled to the same treatment?

Mr. ULLMAN. Mr. Speaker, I would say to my friend, the gentleman from Texas, that one reason this legislation is before us is because we created the park and through involuntary conversion took a substantial bloc of the redwood timber from four different companies. But another reason we have the legislation is that, because of the limited supply of redwood forest, there just simply is not enough redwood available for reinvesting, so we thought it was only fair under those particular and unique circumstances to allow the tax deferral with respect to reinvestments in other businesses that the companies were then in.

Mr. BROOKS. Did they not take into consideration in determining the value of that land on which they based their payments the scarcity and the value of it as it stood there?

Mr. ULLMAN. The timber companies contend that they did not. As a matter of fact, it probably will be some time before the final valuation is placed on the timber.

Mr. BROOKS. They are in court on that now?

Mr. ULLMAN. They are, and will be for some time, I presume. This is written right in the bill, that the bill is not to affect in any way the right of any person in determining the fair market value of the property.

Mr. BROOKS. Does the gentleman feel pine timber owners or mixed hardwood owners would have that same opportunity, since they of course allege it is difficult to acquire pine or hardwood, or any other kind of timber?

Mr. ULLMAN. Might I say that pine is not in short supply. Redwood is grown in a very limited area, and pine is grown throughout the Nation. One could never make that argument.

In this case there is a very limited commodity, and there was not land available. The amount of forest they did make available for exchange was completely taken by the four companies involved in the transaction.

Mr. Speaker, I am willing to yield briefly to the ranking minority member of the committee, the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I might like to comment later. If there is opposition to the legislation it would be well to have them use some of their time.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield briefly to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. I just wanted to add that I had the privilege of being a member of the Subcommittee on National Parks of the Committee on Interior and Insular Affairs when we in a sense put together the elements of the compromise that produced the Redwood Park. I now serve on the committee with the gentleman handling this bill.

I assure the Members of the House there was an overriding consideration of attempting to get the utmost acreage of redwoods at the most economical possible cost. The longer we delayed the less possibility there was of getting a decent redwood stand in our National Park for preservation.

I defend now, as I did then, the principle of the exchange of lands in order to reduce the cost and add acreage of redwoods. This is one element of the compromise which, if not passed, would be an attempt to renege on the part of the Congress on the deal we entered into to try to preserve as much employment as possible at the same time we created the park.

I support the bill most firmly.

Mr. ULLMAN. I thank the gentleman from New York.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, I do not want to suggest what I am proposing here, that this bill be voted down, would be in any way a reneging on any commitment. I have read the reports thoroughly, and I recall there was a proposal to exchange land as a part of the purchase price. That proposal has been implemented, and as to those quantities of the purchase price represented by an exchange of land this bill has no application. They are treated as every other taxpayer of the United States is treated. They get a section 1033 investment privilege by the investment in the exchange of lands.

It is only in the cash that this bill treats these four companies unlike any other taxpayer in the United States.

In cash, then, that is roughly a $25 to $30 million tax break. It cannot be described in any other way. No other taxpayer in the United States except for these three companies by this special legislation will receive this sort of tax treatment. They have the right now to receive and they are receiving fair and just compensation. They have the right, as does every other taxpayer in the United States, to invest that fair and just compensation in like or similiar property. If they do that, they escape the captal gains consequences of that condemnation action.

However, they want more than that right which every other taxpayer has. They want a special privilege above and beyond that so that they incur no tax whatsoever because the like or similar property available to them is not totally and completely to their liking.

Now, why should we, as Congressmen representing this country, give those four companies that extra break when we have already required in the law that they be given just and fair compensation?

Let me describe what we have already given or offered them in order that we might better understand how much they are in need when they come before us asking for this particular tax loophole and tax break. Here is what we have done.

Arcata—we have suggested $22,135,000 be offered to them in cash. We have offered that. We have also offered $40 million in land. They have accepted the land. As to the $40 million worth of land they will incur not $1 of tax consequences under existing law. They do not want to incur any tax consequences under the cash that they will receive. We have offered them $22 million together with their $40 million worth of land. They brought suit against the United States of America 2 weeks ago asking for $63 million in cash. So we do not know how much money we are going to have to pay them or how much tax relief they will ultimately receive if this bill is passed.

The committee report suggests $25 million, but that is a suggestion based on uncertainties as to what the court is going to say ultimately we will have to pay these companies.

It is not poor companies we are dealing with, because one of the conditions, you will recall, is that they must have received property in kind as well as cash before they can ask for absolution from the payment of any tax on the gain represented by the cash.

Georgia Pacific refused an offer of land. They want only cash, and they have received $27,565,000 in cash. They are not going to get and I presume they are not, therefore, asking for a preferential position in terms of how their gains should be treated taxwise, because they are not seeking them. As of this afternoon, I called the Department of the Interior and found that they have not

sought, and, in fact, have written that they are not seeking an exchange of land in kind. They are out from under the provisions of this bill. Georgia Pacific with about $27 million will be treated just like every other taxpayer in the country. They will have to find like or similar property to invest in as described in the existing code.

Simpson, the third company involved, has $783,000 in cash and in land which has been offered, $1,450,000. So there are no tax consequences on the land and very little tax consequences under the capital gains tax treatment on the $783,000, and with the opportunity to reinvest in like or similar property under the existing code, they have very little tax consequences. It hardly seems, then, equity for Simpson to require special legislation.

Miller has been offered in cash $3,781,000 and already accepted about $8 million in property. No tax consequences as to the property. They will receive some tax consequences as to the $3,781,000, but that is it.

So you see for whom this bill is being drafted. It is being drafted and presented for the Arcata Lumber Co. which has been offered $22 million and is now suing for $63 million and which rejected the offer.

They have accepted $40 million in land.

That describes the condition of the people for whom the great worry and concern is all about, that they are being treated so unfairly and inequitably, that our Government must manifest its concern with the presentation of this legislation.

Mr. Speaker, it does not make a great deal of sense to me that they are being treated that unfairly and inequitably that we ought to go out of our way to make a special case for them, and say to them that they may have this $120 million for their redwood lands that we are acquiring for the people of the United States and that they will have to pay capital gains on, roughly, $63 million of that, unless they can find somewhere else in which they can invest it under the existing law. The sponsors of this bill claim that to be a tremendous hardship. They do not want them to have to undergo that disadvantage of finding property in which they can invest and so they are preparing a special bill for these companies which says that they can invest all that they receive into any other business they might be engaged in at the time of the date of the acquisition of the redwood parklands.

Could you ask for anything better than that, to get the proceeds from a condemnation without one dime of taxes, and not only that, but you describe where you want to invest and the Congress of the United States will enact legislation to permit you to do that.

Mr. Speaker, I think this is special interest legislation. I think it is unwarranted and I ask for a "no" vote on it.

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

Mr. WALDIE. Yes, I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Up to a point what the gentleman says is so, but the reasoning and the rationale behind allowing for what really in effect amounts to a tax deferral is that it is totally impossible to reinvest in redwood.

Mr. WALDIE. If the gentleman will permit me to respond, the fact of the matter is the rarity of redwood which you describe as a disadvantage for investment purposes——

Mr. WAGGONNER. I did not say it was a disadvantage. I said it was not available.

Mr. WALDIE. In other words, therefore it creates a disadvantage as to their ability to take advantage of a "like" investment in order to escape tax consequences, but the very rarity of the redwood forests has resulted in this tremendous amount of premium that is paid. We are paying them for the rarity of that redwood forest. In other words, it is an unhappy thing that they do not have the opportunity for reinvestment in a business venture to their liking. However, they are not limited to reinvesting in redwood forests. It would be inconvenient for them to have to do that, to invest in other forests and timberlands.

I do not think we owe Arcata Lumber Co. the sort of preferential treatment that this legislation represents.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, I think if the gentleman were a part of that lumber company and, against his will, his property is taken, he might feel differently.

Mr. WALDIE. I would state to the gentleman that I would be just as selfish in that instance as Arcata is here, but if I were representing the people of the United States as I purport to do, I would oppose it.

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

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

Mr. ULLMAN. I think what the gentleman does not realize or is not stating is the fact that under the existing law reinvesting in kind by buying stock of a company, the taxpayer does get a very distinct advantage because the tax basis of the property of that company does not have to be reduced in basis.

In other words, under existing law it is possible to avoid tax because you can get a very distinct advantage in tax basis. Under this bill, where they are redeeming stock, if they take this option, then they do have to reduce the tax basis of their property.

Then they have to carry through the necessary low base that they got in their redwood investment onto their other investment. So all it is is tax deferral. It is not a tax giveaway at all. And if there is a tax giveaway, it is in the existing law that allows you to reinvest in like kind, and get the adjusted basis in the process, and that is not included in this bill at all.

Mr. WALDIE. I only respond to the gentleman if the consequences tax-wise are as minimal as the gentleman suggests there is no necessity of enacting this legislation. They can pursue their relief under the existing tax law without the special legislation if we are providing them such minimal benefits by this legislation, as the gentleman suggests.

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

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

Mr. SEIBERLING. In reading the committee report under the heading "Effect on the Revenues of the Bill," it states that—

> Your committee estimates that the bill will reduce revenues by $25 million over the period the bill is applicable.

Does that not mean there will be a net loss to the Government?

Mr. WALDIE. I believe the gentleman from Oregon had reference, though, to this position in the bill. If the $25 million that is estimated by the committee report as revenue loss, constitutes only a reduction in base, ultimately the Federal Government would theoretically recoup this when the properties in which the money is invested were subsequently sold, if ever. That is the catchword, "if ever." And if there are to be subsequent resales before we can recoup our loss I can see no reason to give the tax deferral. A tax deferral would suggest they are undergoing temporary great hardship and should get a deferral to get over a rough period, and ultimately we will get the money back. This is not a tax deferral. It is a technical tax deferral. But you only engage in tax deferral when you are trying to assist a company over a rocky period. This is tax avoidance, and it is an attempt to have it glossed over.

Mr. SEIBERLING. It still means the loss of the revenue for that amount of money for that period.

Mr. WALDIE. It clearly means a loss of interest for that amount of money during the period in which they seek to recoup it.

Mr. Speaker, I reserve the balance of my time.

Mr. ULLMAN. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 11080.

The act establishing the Redwood National Park in California transferred title of redwood lands belonging to private taxpayers to the United States. Under the act, the United States is required to make payment for the lands taken, either by the transfer of other timber lands, by the payment of cash, or by a combination of cash and land.

Under the provisions of existing tax law relating to involuntary conversions, taxpayers whose property is condemned are entitled to defer any gain that they realize on the property condemned, but only if they invest the proceeds in property of a like kind. In view of the special circumstances involved in the creation of the Redwood National Park, the committee decided to broaden the category of investments in which the proceeds of the involuntary conversion may be invested while still granting deferral of the gain. Since the supply of redwood timber is limited, it may be very difficult for the taxpayers involved to obtain additional tracts of redwood timber. Some of the taxpayers confined their timber business solely to redwood logging, and related manufacturing and sales activities, and do not desire to deal in other kinds of timber, although they are engaged in

other business endeavors not associated with the lumber industry.

The committee's bill therefore permits deferral of the gain on the land condemned under the Redwood act where the proceeds are reinvested in property used in any trade or business of the same kind as one in which the taxpayer—or a corporation controlled by the taxpayer—was engaged on October 2, 1968, the date the property was condemned by the government. Additionally, under certain circumstances, the money obtained pursuant to the involuntary conversion may be used by a corporation to redeem its own stock subject to certain basis adjustments, with the deferral rules being applicable.

The bill was unanimously reported by the committee, Mr. Speaker, with the support of the Treasury Department. However, I want to make it clear that the Treasury Department felt it was important to indicate that the expansion of the normal like kind criteria for determining when deferral of gain will be permitted in the case of involuntary conversions is justified because of the particular and unique circumstances of the Redwood act, and that the action taken by the committee today is not to be considered as a precedent for any general liberalizations of the present tax rules applicable to involuntary conversions. I agree with the views expressed by the Treasury Department.

Mr. Speaker, I think the point to be remembered here is that this is not an ordinary sale of property readily available in the marketplace by the people who own it. The redwood lands here involved are unique property that was transferred to the United States by an act of Congress that was in fact based upon the unique nature of redwood forest lands. Reference has been made to a $25 million reduction of revenues resulting from this bill. I think it can be equally said that this $25 million estimate would be a windfall to the Government because the Redwoods Act forced these people to sell the property to the Government, creating a capital gain on which these revenue estimates are predicated.

The very uniqueness of the property caused the Government to condemn the property for public benefit. In view of this it seems unreasonable to currently impose a tax unless they invest in property of a "like kind." It seemed only fair under the circumstances to permit the taxpayer to defer any fine on the gain as long as the proceeds from the involuntary conversion are invested in a trade or business the taxpayer was engaged in on the date of the conversion. This seems to me, Mr. Speaker, the only fair thing to do under the circumstances.

Mr. WALDIE. Mr. Speaker, I yield myself such additional time as I may consume just to respond to the argument just made.

It is true that it is an involuntary conversion. It is a condemnation of sorts—a legislative condemnation. But that is not unique. That is not a unique set of circumstances that should elicit a unique response such as this legislation.

The tax code is designed to take care of such hardships, if any there be, that result from a condemnation. These people ought to have recourse to the existing tax code without an expansion of its provisions just to fit their closely held little circumstance of the Arcata Lumber Co. This is a unique response to a common situation and that is where my personal objections lie.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman.

Mr. BYRNES of Wisconsin. The very uniqueness of this property is the reason why we enacted the Redwood National Park Act because the redwood is so unique. Therefore, since we are going to take this unique property away from this particular taxpayer, it is not sufficient; it does not seem to me to be sufficient to say that you will get a deferral of your gain if you invest in like property.

The fact is there is no really like property to this. If there was, we would not have created the Redwood National Park lands. It was that very uniqueness that makes this situation unique and requires, it seems to me, this particular adjustment in the law to coincide with this uniqueness.

Mr. WALDIE. There has been an adjustment and there is an adjustment as to that uniqueness in the purchase, and that is why Arcata is suing for $63 million more than the $20 million offered and it does not seem to me that a further unique response is necessitated under these laws.

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

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

Mr. GROSS. Is not land taken every day from citizens in this country?

Mr. WALDIE. Yes, it is.

Mr. GROSS. Suppose they take an Iowa farmer's farm. This farm may be unique to him. He may not be able to replace it in comparison with the farm that he presently owns. Does he get this kind of a tax break?

Mr. WALDIE. If he had sufficient influence with Members, he could seek it—whether he would get it would be a question.

Mr. GROSS. I thank the gentleman for his response.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 11080, as amended.

The question was taken.

Mr. WALDIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 148, nays 203, answered "present" 1, not voting 78, as follows:

[Roll No. 391]

YEAS—148

Abernethy	Belcher	Brotzman
Adams	Betts	Brown, Mich.
Anderson, Ill.	Blanton	Brown, Ohio
Andrews, Ala.	Boggs	Broyhill, N.C.
Arends	Bow	Broyhill, Va.
Aspinall	Brooks	Burke, Mass.
Baring	Broomfield	Burleson, Tex.
Burlison, Mo.	Hansen, Wash.	Quie
Byrnes, Wis.	Harvey	Railsback
Camp	Hicks, Wash.	Reid, N.Y.
Carey, N.Y.	Hogan	Rhodes
Casey, Tex.	Hosmer	Robinson, Va.
Cederberg	Johnson, Calif.	Robison, N.Y.
Chamberlain	Johnson, Pa.	Rostenkowski
Clawson, Del	Jones, Tenn.	Ruth
Collier	Karth	Satterfield
Colmer	Kazen	Saylor
Coughlin	Kee	Schmitz
Crane	Kluczynski	Schneebeli
Davis, Ga.	Kuykendall	Schwengel
Davis, S.C.	Kyl	Scott
Davis, Wis.	Landrum	Shriver
Dellenback	Lennon	Sikes
Dingell	Lloyd	Sisk
Dorn	McDonald, Mich.	Slack
Edmondson	McEwen	Smith, Calif.
Edwards, Ala.	McFall	Smith, N.Y.
Esch	McMillan	Stanton, J. William
Fascell	Macdonald, Mass.	Steiger, Ariz.
Findley	Mahon	Steiger, Wis.
Fisher	Mailliard	Stephens
Flood	Mayne	Stratton
Flynt	Michel	Talcott
Foley	Mizell	Taylor
Fountain	Montgomery	Teague, Calif.
Frelinghuysen	Myers	Teague, Tex.
Frenzel	Natcher	Thompson, Ga.
Fulton, Tenn.	Nelsen	Thomson, Wis.
Fuqua	O'Konski	Ullman
Garmatz	Passman	Veysey
Gettys	Patman	Waggonner
Goldwater	Patten	Wampler
Gonzalez	Pepper	Ware
Green, Oreg.	Pettis	White
Griffin	Pickle	Williams
Griffiths	Pike	Wilson, Bob
Gubser	Poage	Wyatt
Hagan	Poff	Young, Tex.
Haley	Price, Tex.	Zablocki
Hammer-schmidt		

NAYS—203

Abourezk	Eshleman	Madden
Abzug	Evins, Tenn.	Martin
Addabbo	Flowers	Matsunaga
Anderson, Calif.	Ford, William D.	Mazzoli
Anderson, Tenn.	Forsythe	Meeds
Andrews, N. Dak.	Fraser	Miller, Ohio
Annunzio	Frey	Minish
Archer	Gallagher	Mink
Aspin	Gaydos	Minshall
Badillo	Giaimo	Mollohan
Baker	Grasso	Monagan
Begich	Gray	Morgan
Bennett	Green, Pa.	Morse
Bergland	Gross	Murphy, Ill.
Bevill	Grover	Murphy, N.Y.
Biaggi	Gude	Nedzi
Biester	Hall	Nichols
Bingham	Hamilton	Nix
Boland	Hanley	Obey
Brademas	Hanna	O'Hara
Brasco	Harrington	O'Neill
Bray	Harsha	Perkins
Brinkley	Hastings	Peyser
Buchanan	Hathaway	Pirnie
Burke, Fla.	Hays	Podell
Burton	Hechler, W. Va.	Powell
Byrne, Pa.	Heinz	Preyer, N.C.
Byron	Helstoski	Price, Ill.
Caffery	Henderson	Pryor, Ark.
Carney	Hicks, Mass.	Pucinski
Carter	Hillis	Quillen
Celler	Holifield	Randall
Clancy	Horton	Rarick
Clark	Howard	Rees
Cleveland	Hull	Reuss
Collins, Tex.	Hungate	Riegle
Conte	Hunt	Rodino
Cotter	Hutchinson	Roe
Culver	Ichord	Rogers
Daniel, Va.	Jacobs	Roncalio
Daniels, N.J.	Jarman	Rooney, N.Y.
de la Garza	Jonas	Rooney, Pa.
Delaney	Kastenmeier	Roush
Denholm	Keating	Roy
Dennis	Keith	Roybal
Dent	Kemp	Ryan
Devine	King	St Germain
Dickinson	Koch	Sandman
Donohue	Kyros	Sarbanes
Dow	Landgrebe	Scherle
Drinan	Latta	Scheuer
Duncan	Long, Md.	Sebelius
Dwyer	Lujan	Seiberling
Eckhardt	McClory	Shipley
Edwards, Calif.	McCollister	Shoup
Eilberg	McCormack	Smith, Iowa
Erlenborn	McCulloch	Snyder
	McDade	Spence
	McKinney	Springer
		Staggers

Stanton, James V.	Udall	Wolff
Steele	Van Deerlin	Wydler
Stubblefield	Vander Jagt	Wylie
Sullivan	Vanik	Wyman
Symington	Waldie	Yates
Terry	Whalen	Yatron
Thompson, N.J.	Whitehurst	Young, Fla.
Thone	Whitten	Zion
Tiernan	Wiggins	
	Winn	

ANSWERED "PRESENT"—1

Ruppe

NOT VOTING—78

Abbitt	Edwards, La.	Mikva
Alexander	Evans, Colo.	Miller, Calif.
Ashbrook	Fish	Mills, Ark.
Ashley	Ford, Gerald R.	Mills, Md.
Barrett	Galifianakis	Mitchell
Bell	Gibbons	Moorhead
Blackburn	Goodling	Mosher
Blatnik	Halpern	Moss
Bolling	Hansen, Idaho	Pelly
Cabell	Hawkins	Purcell
Chappell	Hébert	Rangel
Chisholm	Heckler, Mass.	Roberts
Clausen, Don H.	Jones, Ala.	Rosenthal
	Jones, N.C.	Rousselot
Clay	Leggett	Runnels
Collins, Ill.	Lent	Skubitz
Conable	Link	Steed
Conyers	Long, La.	Stokes
Corman	McCloskey	Stuckey
Danielson	McClure	Vigorito
Dellums	McKay	Whalley
Derwinski	McKevitt	Widnall
Diggs	Mann	Wilson, Charles H.
Dowdy	Mathias, Calif.	
Downing	Mathis, Ga.	Wright
Dulski	Melcher	Zwach
du Pont	Metcalfe	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Charles H. Wilson with Mr. Mathias of California.

Mr. Blatnik with Mr. Hansen of Idaho.

Mr. Barrett with Mr. Halpern.

Mr. Cabell with Mr. Ashbrook.

Mr. Danielson with Mr. Bell.

Mr. Dowdy with Mr. Blackburn.

Mr. Dulski with Mr. Conable.

Mr. Gibbons with Mr. du Pont.

Mr. Jones of North Carolina with Mr. Goodling.

Mr. McKay with Mrs. Heckler of Massachusetts.

Mr. Mathias of Georgia with Mr. Don H. Clausen.

Mr. Moorhead with Mr. Lent.

Mr. Mikva with Mr. Mitchell.

Mr. Leggett with Mr. Conyers.

Mr. Vigorito with Mr. Stokes.

Mr. Link with Mr. McCloskey.

Mr. Moss with Mr. Fish.

Mr. Chappell with Mr. McClure.

Mr. Ashley with Mrs. Chisholm.

Mr. Jones of Alabama with Mr. Mills of Maryland.

Mr. Rosenthal with Mr. Dellums.

Mr. Diggs with Mr. Derwinski.

Mr. Alexander with Mr. Pelly.

Mr. Abbitt with Mr. McKevitt.

Mr. Corman with Mr. Clay.

Mr. Downing with Mr. Rousselot.

Mr. Galifianakis with Mr. Hawkins.

Mr. Evans of Colorado with Mr. Rangel.

Mr. Stuckey with Mr. Skubitz.

Mr. Steed with Mr. Mosher.

Mr. Mann with Mr. Collins of Illinios.

Mr. Melcher with Mr. Metcalfe.

Mr. Runnels with Mr. Whalley.

Mr. Purcell with Mr. Widnall.

Mr. Wright with Mr. Zwach.

Mr. Miller of California with Mr. Mills of Arkansas.

Messrs. ROYBAL, LONG of Maryland, BEGICH, Mrs. HICKS of Massachusetts, Messrs. BURKE of Florida, HARSHA, and CARTER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

INSURED EMERGENCY LOANS

Mr. ABERNETHY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans, as amended.

The Clerk read as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end of subtitle C a new section as follows:

"SEC. 328. Loans meeting the requirements of this subtitle and any amendatory or supplementary Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title: *Provided,* That loans made under this section shall not be included in applying the $100,000,000 limitation in section 309(f)(1)."

The SPEAKER pro tempore. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, this bill has passed the Senate. It has bipartisan sponsorship of Senators from several different States. The same is true of comparable bills which were introduced in the House.

Mr. Speaker, I introduced one of the House bills but to expedite action on this important measure, our committee has brought the Senate passed bill, S. 2559 to the floor today.

The object of this bill is to permit the emergency loan program of the Farmers Home Administration to operate on an insured basis. This program has been very successful to date. It has made loans available to farmers throughout the land who have been stricken with disasters of various and sundry kinds such as droughts, tornadoes, floods, and so forth.

Frequently, the emergency credit revolving fund from which these loans are made becomes dissipated and it becomes impossible to help those farmers in need. The fund must be replenished by the appropriations process which, through nobody's fault, is often time-consuming. In waiting for the appropriation of additional funds, farmers often suffer irreparable damage because the loan funds sometimes come too late to be of any help and the harm is done. All to frequently, the lack of prompt assistance results in the farmer losing all that he has worked for through much his life. We want to be able to give a farmer who has been stricken by natural disaster a chance to get back on his feet.

The enactment of this legislation will permit this excellent program to operate on a far more flexible basis by permitting the use of the private money market instead of having to always draw on Treasury funds.

Mr. Speaker, this bill will help the American farmer and rancher who is so often placed at the mercy of natural disaster. This program has kept many of our farmers on the farm and this bill proposes to do a better job of this in the future.

I am convinced that the best way to handle these emergency loans is to permit them to be made on an insured basis. The insured or guaranteed approach has worked well in the FHA farmownership and water and sewer loan programs. It will work equally as well in the emergency loan program.

The bill has the support of the administration. It passed the Senate unanimously, and was unanimously reported from the House committee. I urge the House to pass this legislation.

(Mr. ABERNETHY asked and was given permission to revise and extend his remarks.)

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi that the House suspend the rules and pass the bill S. 2559, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADDITION TO PROGRAM FOR WEDNESDAY, NOVEMBER 17

Mr. O'NEILL. Mr. Speaker, I take this time to announce the chairman of the Ways and Means Committee will call up on Wednesday four bills, reported unanimously by the Ways and Means Committee, and I ask unanimous consent to list them in the RECORD at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The bills are as follows:

H.R. 640. Duty-free importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins;

H.R. 6065. Extending for an additional 10 years the period during which States may obligate certain transferred funds for administrative purposes;

H.R. 7577. Amending section 3306 of the Internal Revenue Code with respect to the services of insurance agents and solicitors who are compensated on a commission basis; and

H.R. 10604. Amending title II of the Social Security Act to permit payment of the lumpsum death benefit in the case of an insured individual whose body is unavailable for burial.

SALARY ADJUSTMENTS FOR FEDERAL EMPLOYEES

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

Mr. WHALEN. Mr. Speaker, on October 4 I joined a majority of my colleagues in voting against House Resolution 596, which would have disapproved the President's proposal to delay a pay raise for Federal employees from January 1, 1972, to July 1, 1972.

I voted "nay" for two reasons. First, I felt if Congress raised the lid at that time, all of the initial efforts to engender public support for economic stabilization would be undermined.

Second, 5 weeks ago we did not know

whether previously negotiated private sector wage increases would be allowed after November 12. Further, if raises ultimately were permitted by the Pay Board, the percentage of increase would have been a matter of conjecture.

For example, the autoworkers under their existing contract are scheduled to receive a 3-percent increase on November 23, 1971, to be followed by a cost-of-living adjustment on December 6, 1971. On October 4, however, the Congress could not determine whether the Pay Board would allow either, both, or any of these contracted increases. Therefore, had Congress on that date set a specific amount and time for a pay increase for Federal employees, it would have been inequitable to workers in the private sector.

My negative vote on House Resolution 596 also was prompted by my confidence that, once phase II of the President's new economic plan was announced, adjustments could be made to provide equitable treatment for all employees—both Federal and private. Minority leader GERALD R. FORD voiced this same conviction when he stated during floor debate on House Resolution 596:

> If there is a general increase granted to all employees in the private sector, all employees, then I will support comparable pay increases in the Federal sector, as I think I should on the basis of good conscience.

Mr. Speaker, I am introducing today legislation which will assure Federal employees that after January 1, 1972, they will receive salary adjustments comparable to those authorized for employees of the private sector under the guidelines established for phase II of the NEP. The Senate Post Office and Civil Service Committee unanimously reported a similar bill last week. The Senate probably will consider the committee's recommendation in the near future. I urge the House also to act expeditiously on this legislation. Certainly, we in this body must give substance to our earlier promises and our expressed convictions of equitable treatment for all employees.

WATERSHEDS AND THEIR DEVELOPMENT

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

Mr. SCHWENGEL. Mr. Speaker, the Subcommittee on Conservation and Watershed Development under the wise and able leadership of Congressman JAMES KEE has just completed its sixth hearing on the problems, the capabilities, and the effectiveness of watersheds and their development as it relates to the challenge of the full use of water through a program for nailing the raindrop and preserving the greatest natural resource we have—the soil, and how it can contribute to the solutions to the pollution of our waters.

Mr. Speaker, we are preparing a report for the full membership of the subcommittee, for the Public Works Committee, for the Congress, the Department of Agriculture, and the President of the United States. This report will reveal some of the weaknsss, but also the very many successful installations and their fine contributions to the local and national interest. It will reveal that the early decisions to establish a watershed program based upon the conservation program initiated by the administration of Theodore Roosevelt, furthered under the administration of Franklin D. Roosevelt, and improved on by every administration since, was good judgment and was very much in the public interest.

Today, as we confront this very important challenge to solve the problem of pollution in our waters, the work of this subcommittee and the program to carry it on in the Department of Agriculture and in other Government agencies to bring about a real solution to water pollution becomes even more important.

A study conducted by a number of people who are interested in preservation of the soil and the wise use of our natural resources has told us, as reported by the Department of Agriculture, that 700 times as much solid waste goes into the streams and rivers and waters of America as goes into those same places from all other sources of pollution. This includes, of course, the pollution caused by municipalities and the industries of America. While we wrestle mightily with the solution to pollution in these areas, we must continuously remind ourselves that the solution to pollution in these areas without the solution to pollution in the watershed areas of America will be no solution to pollution in the streams and rivers of America.

Mr. Speaker, in the days ahead I shall take the floor periodically to call attention to the challenge and the need of a coordinated, total program to meet the real solution to all pollution.

MODERN DAY McCARTHYITES—EXPERTS IN SMEAR AND INTIMIDATION

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

Mr. TALCOTT. Mr. Speaker, American citizens who live away from Washington do not have a good opportunity to weigh or evaluate the motivations and behavior of some of the witnesses who appear before congressional committees.

Two witnesses before the Senate Judiciary Committee relative to Supreme Court nominees, Lewis F. Powell, Jr., and William H. Rehnquist, stooped to new lows of smear by innuendo and misrepresentation. Clarence Mitchell and Joseph L. Rauh, persistent and perennial witnesses against most anybody who disagrees with their political and social philosophy, are generally afforded extensive and laudatory media coverage.

When neither facts nor reputable opinion could be assembled to support their narrow objectives they resorted to smear and misrepresentation simply for the sake of smear and misrepresentation.

The lead editorial of the Washington Evening Star of November 11, 1971, entitled "The Advocate" is a forthright, accurate and representative evaluation of the testimony of Messrs. Mitchell and Rauh.

Citizens throughout the land should know the kinds of witnesses who are solicited by the Senate Committee on the Judiciary. They should know the level and caliber of the testimony presented. They should know the motivations of the witnesses. They should know the true objectives of the witnesses. They should know that "McCarthyism" did not begin or end with Joe McCarthy. Latter day McCarthyism is more crude and obvious—and more persistent. All citizens should know and understand this, so I include the editorial in the RECORD at this place:

THE ADVOCATE

Since our original conditional endorsement of the nominations to the Supreme Court of Lewis F. Powell Jr. and William H. Rehnquist, we have made no further comment on President Nixon's choices. Our reticence was based both on the two men's obvious intellectual credentials and on the failure of their opponents to produce anything untoward in their judicial or personal backgrounds.

We break this silence now on the basis of no new evidence either for or against Powell and Rehnquist. But we cannot remain mute in the face of the campaign of innuendo and smear, ineffective as it has been, against Rehnquist.

On Tuesday, in joint testimony before the Senate Judiciary Committee, Clarence Mitchell and Joseph L. Rauh Jr., of the Leadership Conference on Civil Rights (a pressure group of 127 labor, religious and civil rights organizations), launched an attack against the assistant attorney general the vagueness of which was matched only by its intemperance.

The 47-year-old Arizonan, Mitchell and Rauh maintained, was "a laundered McCarthyite' whose confirmation would be "an insult to Americans who support civil rights." By Rehnquist's appointment, Mitchell said, "the foot of racism is placed in the door of the temple of justice." An affidavit by Rehnquist to the effect that he is "not now and never has been a member of the John Birch Society" drew from Rauh the remarkable statement that this served only to raise fresh doubts about Rehnquist's possible association with the ultra-right organization, a remark which even Senator Kennedy, who marches to the civil rights drum, could not stomach.

To the extent that one can determine what it is that Rehnquist's foes are driving at, it seems that they charge him with opposing a Phoenix open accommodations ordinance in 1964, of denouncing civil rights marchers in the same year and of fighting efforts to wipe out de facto school segregation in Phoenix in 1967.

The curious thing about the entire exercise is that Powell, who has come in for virtually no criticism, almost certainly is just as conservative as Rehnquist. One is left with the distinct impression that the civil rights lobby has decided to stage a symbolic fight to prevent Rehnquist's confirmation because his more active judicial role—his function as a Justice Department advocate—makes him more vulnerable than the Virginian.

What Mitchell and Rauh are saying is roughly similar to the dictum of the East European Stalinists: "If you are not with us, you are against us." What they fail to see—or pretend to fail to see—is that the actions and statements of Rehnquist (like those of Powell) stem less from any anti-civil rights or anti-Negro animus than from a consistent and overt conservative judicial philosophy which holds that there are principles of equal or greater importance than those to which Mitchell and Rauh give their exclusive and sectarian devotion.

We are unaware of any constitutional prohibition against the presence of a conservative on the Supreme Court. Nor can we find in the small print of the Bill of Rights any requirement that appointees subscribe to the dictums of the American Civil Liberties Union, the Leadership Conference on Civil Rights, or any other pressure group.

On the basis of all the testimony to date, Powell and Rehnquist emerge as men of integrity, consistency, professional competence and intellectual distinction. The attack by Rauh and Mitchell, itself a classic example of "laundered McCarthyism," was, to say the least, bush league. If that is the best (or worst) their opponents can produce, both men should be speedily approved by the Senate, as indeed they almost certainly will be.

THE SPEAKER HAS BEEN SELECTED FOR ROA'S MAN OF THE YEAR AWARD

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

Mr. SIKES. Mr. Speaker, on Thursday of last week members of the House Armed Services Appropriations and District Committees, together with the Democratic and Republican House leadership, met for luncheon with the national president and the national staff of the Reserve Officers Association of the United States.

At this meeting, ROA's national president, Brig. Gen. Gerald A. Hart, a much decorated fighter pilot from World War II and today one of the Air Force's Reserve leaders, made an announcement which should bring pride to every Member of this body.

This announcement was that the Speaker of the House, the Honorable CARL ALBERT, has been selected to receive ROA's top award for the tremendous contribution he has made during the past quarter century to the national security of this Nation. This is the award given annually to the citizen who has contributed most to national security and it is known as the Minute Man of the Year Award. This recognition is not given lightly. It is considered one of the most prestigious awards which is given in this country. We also know that no recipient who has ever received it merited it more richly than does CARL ALBERT. He has supported by deeds as well as words the concept that every citizen of this great country must be willing, if need be, to give his energy, time, and talent to the military service and even to risk his life to preserve our freedom. CARL ALBERT gave this service to his country during World War II, and he continued long afterward as a Reservist available for service at his country's call. CARL ALBERT believes—as he told the luncheon group in characteristic humility in accepting the award—that as important as many new and progressive requirements in our society are, that national defense always must come first unless our country is secure, most things for the good of our people are impossible.

ROA's president, General Hart, made clear in his announcement that the award to CARL ALBERT was based upon his sturdy character and his devotion to the principles of progress and freedom.

This announcement by ROA follows:

ROA NEWS RELEASE

The Reserve Officers Association of the United States has selected for its 1972 award to "the citizen who has contributed most to national security" Rep. Carl Albert, Speaker of the House of Representatives and for 25 years a member of Congress from Oklahoma's Third District.

Brig. Gen. Gerald A. Hart, an Air Force Reserve leader, who is ROA's National President, made the announcement today to a group of House leaders lunching with Mr. Albert.

He will be the 15th recipient of the award, popularly known as ROA's "Minute Man of the Year" Award.

General Hart said the citation and plaque will be presented at the Association's annual Mid-Winter Banquet at Washington on February 25, at the Washington Hilton Hotel.

The Banquet will be a highlight of ROA's 50th Anniversary celebration. The Association, formed after World War I, held its first convention at Washington in 1922. Since that date, it has worked for "a military policy which will provide adequate national security."

The "Minute Man Award" has been given annually to a leader in the continuing fight for military preparedness, with programs directed also toward keeping before the public George Washington's admonition that "every citizen who enjoys the protection of a free government owes his services in defense of it."

Speaker Albert, General Hart told the congressional group, has met fully the standards always applied to this selection.

"Carl Albert served with distinction in the nation's Armed Services in a time of peril," he said. "He left the Service after victory had been achieved in World War II, and offered his continuing service in the Congress—an offer his fellow citizens have accepted thirteen times.

"He has worked to build a better America, and to insure a lasting peace. He has worked for progress, and the strengthening of all our free institutions.

"At the same time, he has been a stalwart and effective advocate of preparedness and of support for the men and women who have preserved our freedom in the past, and for those who in the future must shoulder the same responsibility.

"Carl Albert fully meets the criteria for the Minute Man Award . . . as those who were given this public acclaim in previous years. No American has done more to insure that our nation remains strong and free, and that it can remain safe and at peace."

Recipients of the "Minute Man" Award in the past have been Brig. Gen. David Sarnoff, Chairman of the Board of RCA; the late Senator Richard B. Russell, Chairman of the Senate Armed Services Committee; Mr. Bryce Harlow, Special Assistant to the late President Eisenhower; Maj. Gen. High M. Milton, a reservist who became Chief of Army Reserve and Army Under Secretary; Rep. Carl Vinson, Chairman of the House Armed Services Committee; the late Senator Dennis Chavez, Chairman of the Defense Appropriations Committee; Senator Margaret Chase Smith, ranking member of the Senate Armed Services Committee; the late Rep. L. Mendel Rivers, House Armed Service Committee Chairman; Senator John C. Stennis, Chairman of the Senate Preparedness Subcommittee; Rep. Robert L. F. Sikes, Chairman of the House Committee on Defense Construction; Rep. F. Edward Hébert, Chairman of the House Subcommittee on Reserve Forces; the Hon. John W. McCormack, former Speaker of the House of Representatives; Mr. Melvin Laird, former House member, now Secretary of Defense; Senator J. Strom Thurmond, Senate Armed Service Committee member and former ROA National President.

JOSEPH SMITH, FRONTIER PROPHET, 1805–1844

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 45 minutes.

Mr. RANDALL. Mr. Speaker, Independence, Mo., is known as the home of the 33d President of the United States. It is equally well known as the world headquarters of the Reorganized Church of Jesus Christ of Latter Day Saints.

All of the people of my home city are proud to have located in our midst the headquarters of this great church. It is my honor and privilege to represent President W. Wallace Smith and most of the other leaders of the Reorganized Church in the Congress of the United States.

Yesterday afternoon, Sunday, November 14, at about 4 o'clock, a copy of the only known life portrait of Joseph Smith, Jr., founder of the Reorganized Church of Latter Day Saints, was presented to the National Portrait Gallery by Mr. Smith's grandson, W. Wallace Smith, now president of his church.

The presentation ceremony was impressive. It was a mild afternoon for this time of year. The event was called a private ceremony, which meant by invitation only. The gallery management had indicated they would like to have the guests kept as low as 150 on the second floor sculpture court but to be on the safe side, they planned for 200. Before the ceremony was concluded, nearly double that number were present.

The National Portrait Gallery, located on F Street at Eighth NW., Washington, is a part of the Smithsonian Institution. It was established in 1962. It is housed in the third oldest Government structure in Washington on the very site on which L'Enfant in his original plan for the city designated as a pantheon to the Nation's immortals. The building is located about midway between the Capitol and the White House. Its cornerstone was laid when Andrew Jackson was President. The building was originally built to house the U.S. Patent Office. The architect, Philip Johnson, called it, perhaps with some exaggeration, "The greatest building in the world." By the middle of the 19th century, it housed the Department of the Interior and later the National Museum which enshrined the original document of the Declaration of Independence.

At the time of the Civil War, this building was called, "the noblest of Washington buildings," when it temporarily became a makeshift hospital, where Walt Whitman came "to soothe and relieve" wounded troops who were also nursed by a Patent Office copyist named Clara Barton. It was in this same building that the ball was staged in celebration of Abraham Lincoln's second inauguration.

It was in this historic building, then, on a beautiful Sunday afternoon in November that a copy of the only known life portrait of a great church leader, Joseph Smith, was presented in a second floor hall of the National Portrait Gallery situated on the very spot designed by L'Enfant for a pantheon. Because it contains the portraits of great men and

women the gallery could be said to be a place of living history.

In October 1968 upon the occasion of the gallery's official opening, President W. Wallace Smith declared as he loaned the original picture of Joseph Smith to the National Portrait Gallery:

> History has come full circle from the days of Joseph Smith; a man who was once despised and persecuted for his beliefs now has his picture hanging in the National Portrait Gallery as one having contributed greatly to the religious life of the nation.

It should be recalled that the remarks were made at the time the gallery staged an exhibition of 125 distinguished American compatriots, among whom was Joseph Smith, Frontier Prophet, 1805–1844, as a part of the category, "The American Finds God in Diverse Ways." This original portrait of Mr. Smith remained on loan for the duration of the opening exhibition and was returned in December of that year to Independence, Mo.

As one of its publications, the Gallery published a booklet entitled "A Discourse in Portraits," and in the introduction of this book is stated:

> We hope that gifts of money for acquisitions and/or portraits in any medium will soon begin to appear.

Following this publication, Mr. Marvin Sadik, Director, was contacted by phone and inquiry was made of his sentiments about acquiring a Smith portrait for the gallery. He replied that he was overjoyed at the prospect and he was so enthusiastic that a group of business and professional people, members of the Washington, D.C., congregation of the Reorganized Church of Latter Day Saints wrote to President W. Wallace Smith and outlined Mr. Sadik's two propositions which were:

First. He hoped to acquire the original for which he would send, at gallery expense, Adrian Lamb, top copy artist in the country, to paint a copy of the original and present it to the church in exchange for the original.

Second, if the church would not consent to this, then he would accept any sensitively done copy of the original.

President Smith, on March 24, consented to the second proposal to have a copy made by a competent artist for the gallery. Mr. Sadik, the director of the National Portrait Gallery, did not rule out other artists, but indicated a preference to have the copy of the portrait made by Adrian Lamb. Mr. Lamb was contacted and his response was yes, he would be highly pleased to paint the portrait, and he would be free to leave for Independence around the first of June.

Without any recitation of the costs it can be reported that now that the director of the gallery had given permission for a copy of the original by Adrian Lamb and Mr. Lamb had consented to do the work, it meant that travel expenses and other costs had to be provided in a very short time. It was at this point that a group of 10 business and professional people, all residents of the Washington, D.C., area and all members of the Massachusetts Avenue congregation of the Reorganized Church of Jesus Christ of Latter Day Saints held their first meeting to invite individuals and churches to contribute to this worthy cause. The members of this group were Louella Johnson, Virginia Lambert, Alta Koyle, Armand Bailey, Margaret Farrar, Edna Van Syoc, Ada Fallon, Eleanor Switts, Ada Mesle, and Beatrice Purcell.

There was a lot of work to be done because by the middle of June Mr. Lamb was in Independence busily painting on the portrait. Letters had to be written to branches and missions for an appeal for funds. The motto of the group became, "Forward in faith." They were rewarded because little by little the necessary funds came in from 21 States.

It was on July 2 that Mr. Lamb wrote to Miss Louella Johnson in these words:

> Mission accomplished. The results are good and I am pleased that our picture comes up to standard.

Mr. Lamb took the picture from Independence, Mo., back to New York with him for it to dry and be framed. There in New York an exact replica of the original oak frame was made.

Around the first of August, this year the portrait was shipped to the National Portrait Gallery. When it arrived Mr. Sadik observed it was "very handsome, indeed," and notified the group of 10 that it would be placed before the gallery's board for approval on October 27. On that date the picture was approved and on October 28, Portraits, Inc., Mr. Lamb's agents, were presented with full settlement for painting the copy and all members of the group gave a sigh of relief that they had met the deadline.

The foregoing is what we believe to be a reliable and accurate account of the painting of the copy by Adrian Lamb from the original of Joseph Smith as it hangs in the Heritage Gallery of the Auditorium at Independence, Mo.

The program yesterday afternoon was not long but it was beautiful in its brevity. The master of ceremonies, Roger Yarrington, pastor of the Washington, D.C., Massachusetts Avenue branch of the church, in his opening remarks said:

> On September 16, 1842, in Nauvoo, Illinois, Joseph Smith, Jr., the American prophet, wrote in his diary that a "Brother Rogers" had begun painting his portrait.
>
> Today, the only known portrait of Joseph Smith, Jr. painted from life hangs in the Auditorium in Independence, Missouri, the world headquarters of the Reorganized Church of Jesus Christ of Latter Day Saints. It is assumed that it is the portrait referred to in Joseph Smith's diary, and that the companion portrait of his wife, Emma Smith, was painted at about the same time by the same artist.
>
> The portraits were possessions of the Smith family for many years. In 1953 the portraits were restored by James Roth of the Nelson Art Gallery in Kansas City. They have been viewed by hundreds of thousands of visitors to the Auditorium gallery where they are on permanent display.

Mr. Yarrington then introduced the artist Adrian Lamb who announced that as he worked upon the copy, he concluded that Joseph Smith in his lifetime was surely a man of great courage and wisdom. He went on to say that the Auditorium of the headquarters of the RLDS church, was a religious place that inspired him in his work. He concluded by saying that he hoped that his picture was a sensitively done copy of the original, and that he had done his best to provide a subtleness to the picture.

After Mr. Lamb's words, Mr. Yarrington introduced Miss Virginia Lambert, one of the group of 10 whom he described as one "who has given leadership to this project." Miss Lambert proceeded to describe the work of the group who had collected the generous gifts which made the copy of the portrait possible. Her words were, "Good news travels fast," and went on to say that while "blessings from Heaven start with nothing," they were finally able to reach a successful conclusion to their efforts.

In all fairness it should be acknowledged that it was Miss Louella Johnson who was chairman of the group of 10 who set out to assemble the necessary compensation for the artist. Someone in the course of the afternoon described Miss Johnson in what I know was intended to be complimentary terms as the "spark plug for the fund raising." On the Sunday afternoon of the presentation she yielded modestly to one of her workers, Miss Virginia Lambert, for the introduction of Director Marvin S. Sadik, director of the National Portrait Gallery.

Mr. Sadik, as he stepped forward to introduce President W. Wallace Smith, mentioned that this was a momentous month in the Smith family because the presentation of this copy of the portrait by the grandson of Joseph Smith on November 14 comes just about halfway between the birthday of President Smith and his wedding anniversary. With this, introduction the stage was set for the remarks of President W. Wallace Smith, the man who was elected the fifth president of the Reorganized Church of Latter Day Saints in 1958. He had come to our Nation's Capitol to present the copy of the portrait of his grandfather which would hereafter hang in the National Portrait Gallery between two other great religious leaders, a famous cardinal of the Catholic Church upon the one side and Mary Baker Eddy upon the other.

It is my privilege to read into the RECORD at this time the presentation remarks of President W. Wallace Smith, as follows:

JOSEPH SMITH, FRONTIER PROPHET, 1805–1844

Today's event is a milestone along the road to recognizing Joseph Smith, Jr., as the great leader, which he was, both in civic and religious matters. It is also a partial vindication from the charges leveled against him during the period of his sojourn in Jackson, Clay and Caldwell Counties in Missouri.

His spiritual perception, which made him a great religious leader whose influence has endured, has long since been acknowledged. But his political convictions are not as well known. His insight into the structure of government being required to be responsive to the needs of minorities within the general society indicates that some of today's problems are not new at all but were perceived by him even then. Evidence of his convictions is contained in a statement recorded in his journal late in 1843:

"It is morally impossible for this people in justice to themselves, to vote for the reelection of President Van Buren, a man who criminally neglected his duties as chief magistrate in the cold and unblushing manner which he did, when appealed to for aid in the Missouri difficulties. His heartless reply burns like firebrand in the breast of every

true friend of liberty . . . 'Your cause is just, but I can do nothing for you.'

"As to Mr. Clay, his sentiments and cold contempt of the people's rights are manifested in his reply . . ."

This situation prompted him to become a candidate for the presidency of the United States of America at the State Presidential Convention which convened in Nauvoo, Illinois on May 17, 1844, a little more than a month before Joseph Smith and his brother, Hyrum, were killed in the jail at Carthage, Illinois on June 27, 1844.

History is replete with the accounts of accomplishment of this dynamic leader. As his grandson and leader of the Reorganized Church of Jesus Christ of Latter Day Saints, I can affirm that the church has not only been legally adjudged to be "the true and lawful continuation of, and successor to" the church which Joseph Smith, Jr. was commissioned to organize in 1830, but that it has been most faithful in preserving and expressing the philosophy of the movement many places in the world. From its headquarters in Independence, Missouri, it has borne witness of Jesus Christ to many nations, races, and cultures throughout the world.

The original portrait from which this copy was made is on display in the Heritage Museum and Gallery in the Auditorium at Independence, Missouri, which also houses the headquarters of the Reorganized Church of Jesus Christ of Latter Day Saints.

Mr. Adrian Lamb, a portrait artist of distinction, was recommended to the committee representing Washington, D.C. congregations of the Reorganized Latter Day Saint Church by Mr. Marvin Sadik, the Director of the National Portrait Gallery. Subsequently Mr. Lamb was commissioned to paint the portrait you see before you and which will now hang with distinction among other works of art which are so adequately housed and preserved in this wonderful facility.

We are indebted to Mr. Sadik for his assistance in making this occasion possible. We are indeed grateful to the members of the church for their devotion and assistance in this worthy project. We want also to compliment Mr. Lamb for his faithful reproduction of this priceless masterpiece.

Mrs. Smith and I take a great deal of pleasure and satisfaction in being here to present his portrait of my grandfather Joseph Smith, Jr., to the National Portrait Gallery of the Smithsonian Institution here in the capital of our great nation.

Mr. Sadik, director of the gallery, then accepted the portrait of Joseph Smith as he put it "with pleasure." He went on to say it was a privilege to accept this copy on behalf of the Commission whose prerogative it was to determine what pictures will hang in the gallery. He described Joseph Smith as a "great religious leader". With that comment a memorable presentation was concluded.

Mr. Speaker, I am convinced that as more archeological discoveries are made, Joseph Smith's star will glow ever brighter. Already, by countless numbers of his faithful followers, among the membership of the church he founded he is eulogized as one of the greatest personages since the first century.

STABILIZATION PROGRAM MOVES CLOSER TO AMENDMENTS ADOPTED BY BANKING AND CURRENCY COMMITTEE, DESPITE WHITE HOUSE PRESSURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee is currently putting together a phase II legislative package which will make possible a workable and equitable economic stabilization program.

Unfortunately, the administration sent the Congress a hastily drafted bill—much too vague to meet the rigorous requirements of a full-scale stabilization program. The committee has been required to adopt a number of amendments to make the legislation specific and to provide the kind of equity which will create broad national confidence in the program.

In the end, Mr. Speaker, I am convinced that we will have a good bill—a bill which meets the requirements of the President and at the same time protects the public. We are providing the tools to make this all-important stabilization program work.

It is unfortunate that some in the administration have decided to make the stabilization issue partisan. We need a broad bipartisan effort and I hope that the President will restrain his political advisers until we put this wage-price program together. The White House and its new Director of the Cost of Living Council—Donald Rumsfeld—have issued statements for the specific purpose of distorting what the Banking and Currency Committee is doing. In an attempt to generate public opinion against the Congress and the Democrats, Senator ROBERT DOLE, the Republican National Chairman, has been going around the country repeating these distortions and Secretary of Housing and Urban Development George Romney has been carrying out the same political hatchet job in speeches outside of Washington.

On the surface, these attacks appeared aimed solely at the Banking and Currency Committee and the Democrats, but in reality, they are also attempts to influence the Pay Board and the Price Commission. Under the guise of attacking the Banking and Currency Committee, the White House was attempting to influence the negotiations and deliberations going on inside the Pay Board last week.

The Pay Board's actions—on the crucial issues—were undertaken in a atmosphere of heavy White House bombardment on the pay issue—ostensibly aimed at the Banking and Currency Committee. As the Banking and Currency Committee amendments have been looked at more carefully, and as the furor from the White House has quieted, there has apparently been some reconsideration within the Pay Board. Now we understand the Pay Board is planning to come back tomorrow and reconsider some of the key issues which the Banking and Currency Committee has dealt with in its markup sessions. The Washington Post carries a headline this morning on the Pay Board: "Retroactivity an even bet."

The Pay Board and the Price Commission are trying to do a good job and they have had little time to collect data and they have not had the opportunity to conduct hearings on any of the issues before them. The Banking and Currency Committee has been struggling with these problems most of the fall—through hearings and studies—and we well know how difficult it is to come up with an equitable program in such a short period of time.

Now that the smoke is beginning to settle after the administration's distortions of the committee's actions, it is becoming obvious that the Pay Board in many respects is moving closer to the amendments adopted in the committee 10 days ago. In the end—the White House statements notwithstanding—I think there will be general public understanding that the Banking and Currency Committee did not embark on a "radical" course when it adopted its amendments. In the end, I am convinced that the White House attack will stand out clearly as an attempt at political gamemanship.

The problems of the contracts are difficult and complex, but this is one of the areas that must be settled before the stabilization program can work successfully. Without this issue settled, the stabilization effort was certain to face chaos.

Despite the claims of the administration—and administration-inspired editorials—the committee amendment does not require that all deferred wage increases in existing contracts be allowed. In fact, the committee was extremely careful to make sure that the President and his Pay Board retained the necessary power if these contracts were grossly disproportionate. In short, the committee backed noninflationary wage agreements and left the President with full power to deal with any that he could legitimately characterize as grossly disproportionate and inflationary.

It is absurd—as some have suggested—to think that all of these agreements are inflationary or that they would result in price increases. This is simply not the truth.

In this connection, it must be recognized that a number of the contracts we are talking about do not involve big unions. Many involve relatively low-income workers—maintenance people, office help and the like. Also, they involve thousands of teacher contracts and other nonunion wage agreements, and I doubt that many of these—if any—are grossly disproportionate. The granting of these wage increases could hardly cause an inflationary bulge as one television commentator describes the situation.

No one in the administration has discussed where the money for the deferred pay now resides. This money is, of course, in the corporate treasuries and much of it has been invested in certificates of deposit and similar interest-bearing instruments. This is a bonanza about which the administration is strangely silent.

The pay issue, however, is only one amendment. It is simply part of a broad package which is being put together—primarily through Democratic leadership—in the committee in an attempt to provide the equity and confidence necessary for this program. I hope at some point the newsmen will take a look at the hearing record which is filled with complaints from organizations like the American Bar Association, consumer groups, and others concerned about key features of the administration's bill.

If the committee had failed to deal

with these inadequacies, it could have been sharply criticized—and rightfully so. The committee is not going to be intimidated by the White House's attempt to turn public opinion against these congressional initiatives.

Mr. Speaker, I am proud of the fact that virtually all of the Democrats on the committee have participated in putting together the amendments to this bill. The participation in these improvements has been widespread. The junior Members as well as the senior Members of the committee have contributed greatly to this effort and the amendments have come from Members with widely differing philosophical viewpoints. It has been a broad cooperative committee effort in the very best sense.

In this regard, I do not want to neglect commending the courage of the Republican Members who have supported these amendments in a sincere effort to make this a more workable piece of legislation.

Mr. Speaker, I do not want to take the time to go over all of the amendments today but let me list a few of the major improvements that have been adopted to date. Other amendments will be offered before we conclude the markup. Some of the major amendments adopted include provisions:

Requiring that interest rates be stabilized if the President uses any part of the authority under the wage-price act.

Giving the consumer the right to seek civil damages when victimized by price violations.

Validating legal contracts executed prior to August 15 covering wages and fringe benefits unless the Pay Board finds that the wages granted under the contracts are "grossly disproportionate" to other wages and benefits. In short, the committee is on record as approving noninflationary wage agreements.

Exempting workers below the poverty level from any wage restrictions.

Requiring that actions of the Pay Board and Price Commission be taken by a majority of the members of those bodies and not solely by the chairmen. This would apply to any commission, committee or board established under the economic stabilization act.

Establishing a board to study and report on excess profits.

Refusing to ratify all actions taken by the administration under phase I of the stabilization program. This action was taken to assure that the legislation would not deprive any person of his legal rights in challenging any unreasonable or illegal action taken under the administration of phase I.

Establishing specific administrative procedures requiring publication of orders and regulations and allowing interested parties to comment before the rules become final.

Requiring public utilities and mass transit systems to obtain prior approval from the President—presumably this would be delegated to the Price Commission—before rates or fares are increased. Every person uses the services of one or more public utilities and it is important that any rate increase be considered carefully because of its widespread effect on the cost of living.

Establishing local boards to allow complaints and to clarify orders and regulations issued under the wage-price program. This would enable people to have their problems heard without resorting to costly and time-consuming judicial remedy.

Giving the President greater flexibility in any possible rollbacks by eliminating the reliance on the May 25, 1970 date contained in present law. Under the committee amendment, he would be able to set the base at whatever level he deems appropriate.

These are the amendments which the Administration has criticized and which they are seeking to have overturned. At some point, I hope that the administration lobbyists will take a look at the words of Secretary of the Treasury John Connally when he appeared before the Banking and Currency Committee on the extension of the wage-price law last February 23.

In answer to a question concerning the administration's actions in the event of a wage-price program, Secretary Connally stated:

> Congressman, so far as I know I am thinking of coming to the Congress asking for specific authority with respect to rules, regulations, appropriations, in order to implement a full wage and price administration.

The Secretary went on to say:

> I think he (the President) would clearly want some expression, some additional expression, not only in terms of appropriation but in terms of authorities and a mandate in effect from the people themselves expressed through the Congress that they were really prepared for wage and price controls—mandatory wage and price controls and all that that entails.

Mr. Speaker, the Banking and Currency Committee is following the Secretary's wise counsel on this issue. We are doing exactly what he suggested only last February.

It should be realized—as implied in Secretary Connally's words—that the American people will not accept a program merely laid down by presidential edict. Some spokesmen indicated that the President's word should be the last word on the wage-price program and that the Congress should simply rubber stamp all of the proposals. This is dangerous and it is the kind of philosophy which could lead to failure for the entire wage-price effort.

It is dangerous—for both businessmen and workers—and the entire citizenry—when political leaders take on the mantle of infallibility. The basic strength of the Constitution is based on a carefully worked out series of checks and balances—on three separate branches of Government. The administration is suggesting very strongly that it does not agree with these basic concepts of our system.

The administration's attack on the amendments borders on the absurd. After all, it was the Banking and Currency Committee which drafted and pushed through the original bill. The committee has an obvious responsibility to take an active role in shaping phase II. The Pay Board is operating under powers delegated by the Congress and certainly Congress has a right—a specific constitutional duty—to spell out and define these powers.

In some nations of the world, proclamations by chief executives are substituted for the lawmaking process. I hope that we never see the day when this is true in the United States. It might well be easier to allow all of phase II to be established by edict, but I think we owe the Constitution and the American people a little more than this.

Mr. Speaker, the committee has originally hoped to report this bill last week, but there was strong pressure to postpone action. The postponement was voted 18 to 16. I opposed the postponement because I am committed to expediting this legislation. In fact, I have met with the President on two occasions and it was his stated desire that this legislation move as rapidly as possible.

Unfortunately, when the motion to postpone was before the committee last Thursday, the Republican Members—Members of the President's own party—supplied the margin which assured the delay. Mr. Speaker, the President's last word was a request for expeditious consideration and I have received no communication from the White House changing this request. So, I am at a loss to explain the Republican Members' action in postponing the bill.

Some newspapers have speculated that the delay was sought so that the administration could lobby the committee and overturn the amendments adopted to date. I place in the RECORD a copy of an article from the American Banker with the headline: "House Banking Puts Off Action on Phase II Bill to November 30, Giving GOP Time To Recruit Votes:"

[From the American Banker, Nov. 12, 1971]

HOUSE BANKING PUTS OFF ACTION ON PHASE II BILL TO NOV. 30, GIVING GOP TIME TO RECRUIT VOTES

(By Joseph D. Hutnyan)

WASHINGTON.—The House Banking and Currency Committee—with Republicans providing a majority of the votes—decided Thursday to postpone until Nov. 30 final action on President Nixon's Phase Two bill.

The postponement gives committee Republicans almost another three weeks to try to recruit votes to make the revisions in the bill which were requested by President Nixon.

The Senate Committee on Banking, Housing and Urban Affairs—meeting on the same legislation Thursday—adopted an amendment which would require Senate approval of future Presidential appointments to the Price Commission and the Pay Board. The committee is scheduled to resume deliberations Tuesday.

The Phase Two bill requested by Mr. Nixon would extend to April 30, 1973 his authority to set wage and price controls, and grant him power to establish controls on dividends and interest.

The House Banking and Currency Committee jolted Mr. Nixon last week when it tacked on to his bill a provision sanctioning retroactive pay increases held up by the freeze, and language compelling him to take action to stabilize interest rates whenever he sets ceilings in the wage and price sectors.

The President said decisions on retroactive pay raises and interest rate limitations should be left to the citizen and government boards established by him to supervise Phase Two. He urged the committee to strike from his bill amendments adopted in these areas.

Both controversial revisions were sponsored by committee Democrats last week and were adopted by one-vote margins.

Committee Republicans on Thursday did not have the votes to reverse last week's decisions, and it was not possible to say whether the GOP would be successful when the committee meets again.

Two Republicans—Rep. Florence P. Dwyer of New Jersey and Margaret M. Heckler of Massachusetts—cast key votes last week when they voted with the Democrats for the changes which President Nixon denounced.

Both Mrs. Dwyer and Mrs. Heckler appeared to stand firm on the issue during the Thursday closed meeting.

The vote to postpone final action on the Phase Two bill was 18–16. Eleven Republicans and 7 Democrats provided the majority.

All of the votes against the postponement were cast by Democrats with two exceptions—Mrs. Dwyer and Mrs. Heckler.

Committee chairman Wright Patman, D., Tex., told reporters after the Thursday meeting that he opposed the motion to postpone action on the bill until Nov. 30.

"I felt the bill had been thoroughly considered and that I would rather go through with it now," he said.

The chairman said he understood that some Republican votes were cast for the delay because the GOP was preparing a substitute bill to be offered at the next session.

He also said some committee members voted for the postponement after it became evident that the House could not schedule it for a floor vote until later this month.

While the committee during the Thursday session did not resolve the issues which most trouble Mr. Nixon, it did vote on a number of revisions.

It approved amendments which would:

Permit President Nixon to roll back wages and prices beyond May 25, 1970 levels—the limit in the present law used by the President to invoke wage and price restraints.

Set up a network of local protest boards which would hear citizen complaints stemming from and price regulations, and render advisory opinions.

Require public utilities and transportation companies to obtain prior approval of rate or fare increases.

Inform President Nixon that Congress would like to see him submit a balanced budget showing a reduction in Federal spending next year in hopes this would speed the end of economic controls.

Direct that future wage and price regulations be published, and that public government be received before putting them into effect.

Similar stories were carried by other news media and this would indicate that the committee will be coming under heavy pressure to reverse itself. The committee amendments have been carefully drawn after two sets of hearings and extensive staff work and I am convinced that the Members will stand by their position, political pressures from the White House notwithstanding.

These political pressures cannot be allowed to prevent the Congress from putting together the kind of law which will make phase II workable and equitable.

Mr. Speaker, I place in the RECORD a copy of a speech I made last week to the Symposium on Government Corporations here in Washington on phase II:

REMARKS OF THE HONORABLE WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE TO THE SYMPOSIUM ON GOVERNMENT CORPORATIONS, MADISON HOTEL, WASHINGTON, D.C., NOVEMBER 9, 1971

These are fast-moving days on the economic front, for the past 90 days, this Nation has been trying to absorb the rapid turnaround of the Nixon Administration on the economy. The Administration has gone from "do nothing" policies to the active imposition of mandatory controls over a wide segment of the society.

As this audience knows, the concept—the legislation for wage-price authorities—originated in the Banking and Currency Committee in early June of 1970. The course of this legislation has been one of the strangest in history.

When the Democrats introduced the bill, they were castigated by the Administration and by many financial writers who were convinced that the Congress had gone off the deep end. The President took to national television to denounce the Banking and Currency Committee and used the White House lobbying apparatus in an attempt to block the passage of the bill in the summer of 1970.

For the next 12 months, the President continued his sniping at the Democratic initiatives. But slowly, through a series of actions—the Administration moved farther and farther away from traditional Republican economic policies and closer and closer to the more active programs being advocated by the Democrats.

Finally, at Camp David, the weekend of August 15, the President and his Economic Advisors faced the facts and agreed to use that hated Democratic law. This was a shock—a traumatic experience—for many of the old guard economists in the Republican camp.

Regrettably, the Administration did very little to prepare its own people—its own economic staff—for the eventuality of a wage-price program. The Government had sat idly by for a full year without planning for the possibility that the wage-price law might have to be used. There was no emergency contingency planning and no studies carried out which might have guided the President when he imposed the controls on August 15. As a result, the Administration could only require a flat across-the-board freeze.

The lack of planning prevented the Administration from taking a more imaginative approach—one which would have dealt with the obvious inequities which always exist in this kind of complex program. This was unfortunate and the Administration is still paying a heavy price for its lack of contingency planning. Much of the public confidence was sapped and many groups stiffened their opposition because of the meat-axe approach the Administration took.

But Phase One is almost behind us and the real attention now must be focussed on coming up with a Phase Two economic program which is workable and equitable. As Phase II has developed, there have been lots more strange happenings.

On October 7, the President went on national television to announce his Phase II recommendations. Almost immediately, these recommendations were talked about in the press as "The Program" without regard to the fact that much of it required legislation. The newspapers and newsweeklies started running charts and background data on exactly how the program would operate. The Congress apparently wasn't supposed to do anything—except possibly rubber-stamp whatever the President sent up in the form of legislation.

In other words, we were going to have Government By Proclamation—by Television Pronouncement—the Constitution notwithstanding.

Don't get me wrong. All of us in the Congress—from both parties—want to see this program work and we want to cooperate with the Administration wherever possible. I have met the President on several occasions and I have promised him my support for expeditious consideration of the Phase Two legislation.

But, this cooperation does not mean that Congress should abandon its function as the legislative branch. It has a duty to study the President's proposals, to revamp them where needed above all to make certain they are fair and equitable for the American people. No President is well served by a Congress which simply rubber-stamps his proposals.

The Banking and Currency Committee has spent most of this Fall working on various facets of the wage-price program—and other key legislation—such as the Bank Reform Act—has been placed on the back burner.

Last week, the Committee started marking up the Phase II economic package. A number of amendments were adopted, and I am convinced that all of these enhance the program and will make it much easier for the President to convince the American people that its Government is moving in an equitable manner.

Frankly, the bill sent forward by the Administration was poorly drafted and some areas were so ambiguous that the law might be endangered in the courts if the Congress does not make the necessary changes. Actually, the Committee amendments—which had been worked out over weeks of research and drafting—are designed to give the legislation—and Phase II—two basic things—equity and clarity.

The Administration was asking for some pretty outlandish things in its bill. For example, it wanted the Committee to rubber stamp an across-the-board ratification of all orders and regulations—and interpretations—which had taken place since August 15. Included apparently would be a lot of areas the Administration has never bothered to inform the public or the Congress about over the past 90 days. In short, we were being asked to ratify the unknown. The Committee could not go along with this, and the section had to be stricken from the bill.

The Committee also took steps to make sure the average citizen—the consumer—had some recourse when he got stuck with price-gouging. So we pushed through a requirement which allows the consumer to seek civil damages if he is charged above legal ceilings during the period of the wage-price stabilization program. The Administration has conceded that it has no real plans for detailed policing of prices; so this amendment enlists the aid of the consumer in policing prices. It should be a deterrent to violations of the price orders.

As this audience knows, the President has been extremely vague about what he might do in cases where there are "excess or windfall" profits. His attitude on this has heightened the feeling among some that the stabilization is placing an unfair burden on the wage-earner while corporate profits are left unchecked. To make sure that someone is watching the profit question, the Committee adopted language insisting that a Board on Excess Profits be created and that it make regular reports on the situation. This at least assures that the spotlight will be kept on this area and should help convince the American people that runaway profits aren't going to be allowed during this program.

A similar situation exists in the area of interest rates and credit controls. You may not agree with me about this issue, but let me assure you that the American people are upset that the lending institutions have not been included in the stabilization program.

This has to be corrected, and that's why I insisted on an amendment last week which will require that orders and regulations stabilizing interest rates will have to be issued whenever similar orders are issued on prices, wages, rents, salaries and other areas. In short, this amendment will require that interest rates—and credit charges—be controlled if there are other controls in effect. If this language stands up through the House and the Senate, it will mean that the President can no longer ignore this part of the

economy. The language of the amendment is clear on this point.

Despite some slight reductions in the prime rate and money market rates, now is the time to apply interest rate controls. They are needed now particularly to help control the high interest rates on consumer lending.

They are also needed as a bulwark to withstand the heavy pressures that are certain to appear in 1972. The Federal Government will be going into the market to finance record deficits; state and local government will be heavy borrowers; and the business community must have the loan funds to fuel the expansion so badly needed in the economy.

In fact, if the Administration's economic program—centered around the investment tax credit—has any validity at all, then we are going to see a heavy loan demand in 1972.

In my opinion, the financial community has been one of the big losers in the Administration's failure to apply controls equally across the economy. The public resents the favored treatment that has been accorded lenders under the New Economic Program, and if this continues, it may well affect future legislative efforts for all segments of the industry. My mail has reflected this public resentment, and this attitude will grow as the wage-price program bites harder into the economy.

It is my hope that the Administration will see the folly of its ways and support steps to put real equity into the wage-price program.

Last week, the committee also took actions designed to bring some order out of the chaos that has been created by the Administration's vagueness on pay contracts and related matters. Obviously, Phase II can't go forward successfully until these areas are settled.

The Committee voted to recognize the validity of agreements that were entered into by private parties prior to the August 15 freeze, but left with the President the full authority to block any wage contract which was "grossly disproportionate" to other wages in the economy generally.

The Committee's action has been misinterpreted all over the lot. Some news stories carried accounts of the pay amendment without noting that the President retained authority to block the inflationary wage agreements. The White House—apparently without reading the amendments—issued a blast shortly after the Committee action further adding to the confusion and misinformation.

Despite the claims of the Washington Post's Financial Editor in his Sunday column, the Committee amendment does not require that all deferred wage increases in existing contracts be allowed. In fact, the Committee was extremely careful to make sure that the President and his Pay Board retained the necessary power if these contracts were "grossly disproportionate."

The strange thing about the White House statements—and staff leaks to the columnists—is that the Committee action is not very far from the President's own assurances to the American people on the issue.

When Phase II was announced on October 7, President Nixon told his national television audience:

"We will permit some adjustments of prices and wages that fairness demands, but we will not permit inflation to flare up again."

The next day, Secretary Connally conducted a press conference and he repeated the same message:

"It (pay increase) depends on whether or not their peculiar situation requires a small, or a large increase, in order to bring them into an equitable position with their counterparts in the economy."

Now the Banking and Currency Committee comes forth last week and says that the pay increases are to be allowed unless they are "grossly disproportionate" to other wages in the economy. That seems awfully close to the Secretary's words.

In this connection, it must be recognized that a number of the contracts we are talking about do not involve "big unions." Many involve relatively low-income workers—maintenance people, office help and the like. Also, they involve thousands of teacher contracts, and I doubt that many of these—if any—are grossly disproportionate. The granting of these wage increases could hardly cause an "inflationary bulge" as one television commentator describes the situation.

The Committee also took other steps to protect the low-income families by exempting from coverage the "working poor." We are trying to eliminate poverty in this nation and it makes little sense to adopt a law which would, in effect, assure that low-income workers would be kept in a poverty status.

This entire wage-price program needs to be a broad bi-partisan effort, and I sincerely hope that the President's statement of last Thursday night does not disturb this approach. The President is trying, but he is surrounded by a lot of people out of the public relations and advertising world, and sometimes these advisors shoot from the hip. I guess this is a problem that all Presidents have.

The problem was intensified yesterday morning when the Republican National Committee released a statement by its Chairman—Senator Dole—charging that the Banking and Currency Committee had meddled in the President's business. This is a sad state of affairs when a political leader claims that a Committee of Congress—carrying out its legislative function—is "meddling." Perhaps all of this can be dismissed as excessive campaign rhetoric, but it also has a sinister and dangerous overtone.

It is dangerous—for both businessmen and workers—and the entire citizenry—when political leaders take on the mantle of infallibility. The basic strength of the Constitution is based on a carefully worked out series of checks and balances—on three separate branches of government. The Republican Party is suggesting very strongly that it does not agree with these basic concepts of our system.

The Administration's attack on the amendments borders on the absurd. After all, it was the Banking and Currency Committee which drafted and pushed through the original bill. The Committee has an obvious responsibility to take an active role in shaping Phase II. The Pay Board is operating under powers delegated by the Congress and certainly Congress has a right—a specific Constitutional duty—to spell out and define these powers.

In some nations of the world, proclamations by chief executives are substituted for the law-making processes. I hope that we never see the day when this is true in the United States. It might well be easier to allow all of Phase II to be established by edict, but I think we owe the Constitution and the American people a little more than this.

Whatever happens at the White House—and at the Republican National Committee—the Congress will continue to carry out its functions—its constitutional responsibility. The responsibility is even greater on this particular piece of legislation because of the broad powers implied in a wage-price control program. These are awesome powers for any Chief Executive and it is essential that the Congress lay down the ground rules carefully.

In the end, I am convinced we will work out a law which meets all of the President's requirements and at the same time gives the people the proper protection. This program must work for the survival of the whole nation.

Thank you very much for inviting me.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. To buy a good suit of clothes in France takes 75 hours of work and in Great Britain, it requires 40 hours. In the United States only 24 hours are needed for the same item.

ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, on May 3, 1971, the Senator from Oregon (Mr. PACKWOOD), introduced two abortion bills in the other body. The first was a bill to authorize abortions performed by licensed physicians throughout the United States "upon any female person who requests that action" within the first 140 days—20 weeks—of a pregnancy, and after that time if failure to perform an abortion might "endanger the life or health" of the woman, S. 1750. The second bill introduced by Senator PACKWOOD would authorize abortions under exactly the same conditions in the District of Columbia, S. 1751.[1] Neither the two bills themselves, nor Senator PACKWOOD's stated rationale in sponsoring them, have received anything like the scrutiny they warrant.

In introducing his bills, Senator PACKWOOD began his remarks by stating that his intention was "to take the Government out of the business of enforcing compulsory pregnancy" and to "permit women to control their own fertility, by early termination of pregnancy if necessary," [2] both nationwide and specifically in the Nation's Capital. It is not clear in what sense the Government has ever "enforced compulsory pregnancy," since it is not clear how pregnancy is ever compulsory at all, except in cases of rape, and Senator PACKWOOD's two bills are not intended to deal with the problem of rape. In no other case, however, is a woman ever "compelled" to be pregnant; she must be assumed to know that pregnancy is a possible consequence of entering into a marriage or sexual relationship. In such a relationship, as in all other areas of life, she must also expect to have to take the consequences of acts she freely undertakes. Would even Senator PACKWOOD care to see established as the new norm of our society the general principle he seems to be asserting here; namely, that people are not obliged to take responsibility for acts they undertake?

As for controlling her fertility, a woman has always been able to do that simply by declining to enter into a marriage or sexual relationship. Once she has entered into such a relationship, however, she implicitly accepts a wide range of

Footnotes at end of article.

responsibilities, fully recognized by the laws, which go far beyond the occurrence of possible pregnancies. Should divorce, for example, or a husband's obligation to support his family, be made purely elective for any who find they do not want to face all the consequences of their decision to marry? This would be no more illogical than elective abortion for women who simply decide that they do not "want" to support the children they have nevertheless conceived. To concede such women the "right" to abortion would be to establish irresponsibility as the new norm of society; this would have incalculable consequences reaching far beyond abortion and personal and sexual behavior.

Moreover, today, by the use of modern contraceptive techniques, a woman who has no moral objections to contraception is able to control her own fertility to a greater extent than has ever before been possible in human history. It is ironic that abortion should be increasingly called for at the very time when other methods have been most effectively developed. No method, of course, except total sexual abstinence, is 100-percent effective in preventing pregnancy. Nevertheless, a failure to prevent pregnancy in a given instance in no way establishes the "right" to remedy the mistake by killing the child who has been conceived, any more than such a failure establishes any obligation of society to permit such a violent and brutal remedy. For, as the prominent Protestant moral theologian, Dr. Paul Ramsey, of Princeton University, has aptly pointed out, what Senator PACKWOOD euphemistically calls "termination of pregnancy" really means "Killing the fetus in order to terminate the pregnancy."[3] Abortion always involves the destruction of a living, though unborn, human being.

The scientific evidence that the human embryo or fetus is a unique irreplaceable human being from the time of conception can be found in any appropriate biology or medical textbook. In his "Foundations of Embryology," for example, Dr. Bradley M. Patten writes:

> Every one of the higher animals starts life as a single cell—the fertilized ovum . . . The union of two such sex cells (male germ cell and female germ cell) to form a zygote constitutes the process of fertilization and initiates the life of a new individual."[4] Within four weeks of this conception—as soon as a woman can verify the fact that she is pregnant, and hence can even consider having an abortion—the heart of the new individual inside her is already pumping its own blood. Within eight weeks of conception—the point at which many abortions are actually performed—the new human individual has "a pumping heart with fully deployed blood vessels and has all other internal organs. The face is completely formed, and the arms, legs, hands, feet, toes and fingers are partially formed. The fetus will react to tickling of the mouth or nose, and there is readable electrical activity coming from the brain."[5]

To assert, in the face of this scientific evidence, that the fetus is not a living human being would be comparable to asserting that the earth does not rotate on its axis or revolve around the sun.

Laws restricting the performance of abortions do not, therefore, represent the enforcement by the state of "compulsory pregnancy," as Senator PACKWOOD alleges. Their intent is properly to protect the rights of the child, once a living child has been conceived. As a recent Federal court decision—December 1970—upholding the restrictive Ohio abortion statue, which prohibits the operation except to save the life of the mother, has declared;

> Once human life has commenced, the constitutional protections found in the fifth and 14th amendments impose upon the State the duty of safeguarding it."[6]

This principle has been increasingly recognized in the law in cases far removed from the question of abortion. For example, an unborn child can inherit. He can have a guardian appointed. He can sue for injuries inflicted while in the womb. The leading academic authority on the law of torts has declared that an "unborn child in the path of an automobile is as much a person in the street as the mother" and the Michigan Supreme Court, in July 1971, has ruled to the same effect in an exactly analogous case.[7]

Legal doctrine such as this reflects the law's increasing recognition of the scientific facts about human conception and prenatal development. Where the courts have looked at these facts, the humanity of the unborn child has been explicitly recognized. For example, a case extending the unborn child's right to sue for injuries even to nonviable children recognizes that—

> The mother's biological contribution from conception on is nourishment and protection but the foetus has become a separate organism and remains so throughout its life. That it may not live if the protection and nourishment are cut off earlier than the viable stage of its development is not to destroy its separability; it is rather to describe conditions under which life will not continue. Succeeding conditions exist, of course, that have that result at every stage of its life, postnatal as well as prenatal. The complaint here, in alleging that plaintiff was in being in the third month of his mother's pregnancy, alleges a conclusion of fact consistent with generally accepted knowledge of the process.[8]

In the light of the scientific facts, then, and of the legal recognition of those facts, it is clear that the remark of Clare Booth Luce about abortion being primarily a "woman's problem"—a remark favorably quoted by Senator PACKWOOD—simply does not speak to the real issue. Not merely a woman but a child is involved—not to mention a man, for Senator PACKWOOD's bill placing the abortion decision solely in the hands of the woman effectively nullify the rights of a father over his children.

Similarly, Senator PACKWOOD's comment that—

> The debate on abortion has . . . been centered entirely on theological discussions of when individual life or personhood begins.

Again fails to speak to the real issue involved in abortion. Opponents of permissive abortion are quite prepared to leave theology out of the picture entirely. The Constitution of the United States by itself provides sufficient reason to reject elective abortion. The purely theological question of when a soul, assuming human beings have souls, is infused into each new human individual is irrelevant to the question of when medical abortions might legally be performed under a constitutional system which professes to take into account the rights of all. The guarantees in the Constitution remain regardless of the outcome of any theological debate; they remain even if Senator PACKWOOD is correct in his assertion that the moral aspects of abortion can never be settled "so as to be accorded unreserved acceptance by all." Constitutional guarantees, in the American system, do not depend upon "unreserved acceptance by all," as the courts have consistently held in civil rights cases.[9]

For example, the moral aspects of slavery, formerly, were never settled, nor, today, have the moral aspects of discrimination been settled to the satisfaction of everybody. Nevertheless, the thrust of recent civil rights legislation is clear. The 14th amendment itself was adopted precisely to make clear what was already implicit in the Constitution; namely, that its legal guarantees could not be denied to any person within the jurisdiction of the State. The Constitution cannot admit of categories, whether of slaves, of blacks, or of the unborn, which are to be arbitrarily considered categories of "nonpersons," and hence denied the equal protection of the laws. This constitutional guarantee of equal protection has been held to apply even to business corporations as persons. How can it be denied to unborn children who are in actual fact living human beings?

Thus, while it may be sadly true that women who today have decided they do not want the children they have conceived are caught in "tragic dilemmas," as Senator PACKWOOD remarks, it is equally true that these dilemmas are mostly of their own making; they arise from a mistaken belief that, merely because a child has not yet managed to get born, he may be done away with because he is unwelcome or burdensome to others. Such a notion as this can no more be introduced into the American legal and constitutional system with impunity than disease germs can be introduced into a healthy body without fear of harm. To admit the principle that unborn human beings are expendable is to establish in principle that the 14th amendment's guarantees of equal protection are meaningless; it also would raise the ominous question of what other categories of human beings are expendable.

Senator PACKWOOD speaks of "real women suffering," of women "deeply mired in poverty, frantic with concern over what another baby will mean in an already overburdened household," and of those who simply "cannot think of coping with a baby." It is necessary to wonder about the future of a country whose citizens in any number "cannot think of coping with a baby." What could such people cope with? It seems unlikely that the Oregon Territory, for instance, would ever have been settled by people such as this.

Nevertheless, it is unnecessary to deny that many cases of hardship are very real. No doubt many more efforts to alleviate poverty and suffering are re-

---

Footnotes at end of article.

quired of the richest Nation in the history of the world. The good intentions of those who point to these evils in American society must be granted, and the social duty of all Americans to contribute to the well-being of the less fortunate must be insisted upon as a matter of public policy. An unescapable requirement of any measure proposed to deal with hardship, poverty, or suffering, however, must surely be that such a measure does not violate the rights of others. Abortion-on-request proposals totally fail to recognize that the unborn child has any rights. No matter how real they may be, neither sufferings nor tragic dilemmas—universal for all human beings in any case, at least in some stages of their lives—can legitimately serve as pretexts for inflicting injury, much less death, upon others. The law which would allow this is no longer a law based upon right and justice but upon selfishness, convenience, and expediency.

It is, of course, perfectly true—though, again, that does not make it right—that abortion is nevertheless resorted to today on a vast and increasing scale in many States and countries. The 165,000 legal abortions performed in New York City in the first year of New York's abortion-on-demand law [10] exceeded even the expectations of the proponents of permissive abortion. An enormous demand for abortions clearly exists. The fact that many people do want abortions, however, is hardly in itself a valid argument for legalizing the practice, if it is indeed true that it violates the rights of the child. Assault and larceny are similarly occurring on a vast and increasing scale, yet nobody argues that the laws which prohibit these crimes should be repealed merely because more and more people have apparently decided it is all right to commit them. The only way the laws against abortion can be seen as any different from those against assault or larceny is by leaving out of account not merely the child's rights, but the very fact of his existence. Only then can the question of abortion be reduced to one of a woman's control of "her own body." It is this that Senator PACKWOOD regards as the "substantive issue" involved in abortion. When the child is left out of account, abortion becomes a purely technical matter, and, as the Senator says, "the question is not whether but how society should deal with it."

Senator PACKWOOD adds the further argument that—

> A middle- or upper-class woman can usually get an abortion performed by a physician, no matter what the law says. She may have it in her own hospital with the procedure disguised under some other medical term, or she can go to another country where the practice is more liberal.

This is true, and it means that the poor and disadvantaged cannot easily resort to the same subterfuges by which the rich and affluent are able to break the law.

This widespread disregard of the law by the well-to-do, by some hospitals and some members of the medical profession is regrettable and deplorable, but should the response to it be to repeal the laws which are being violated? Or should it not be a greater effort to enforce these laws? The criminals go unapprehended and unpunished in an estimated four out of every five crimes committed in the United States,[11] but this is hardly an argument for repealing the laws against crime. There exists no well-financed lobby arguing that nobody should be "discriminated against" in his criminal undertakings, as the abortion lobby argues, in effect, that nobody should be prevented from violating the abortion laws if anybody manages to violate them. The motto of the U.S. Department of Justice is "equal justice under law," but this ideal is hardly achieved by doing away with the law. It is achieved by enforcing the law equally.

In the light of these general comments on the rationale Senator PACKWOOD offers for his two bills which would legalize abortion in the District of Columbia and in the Nation at large, it is now possible to comment on the specific "benefits" which the Senator from Oregon believes the passage of these bills will bring. He enumerates these benefits in the course of his remarks in the CONGRESSIONAL RECORD:

> First, it would clear the air by admitting that the practice of abortion exists and should be brought into the open where it can be dealt with according to safe medical procedures. Deaths and maiming from abortion could be virtually eliminated.

It is hardly necessary to pass laws in order to admit that the practice of abortion exists. Nobody denies that it exists. The question is: What should a society which is not merely humane but also just do about it? If a practice is inherently vicious, as abortion surely is, the result of bringing it out into the open will only be to make it more acceptable to more people; and, consequently, to increase the total number of abortions performed. Those who might have been deterred by the law will join those prepared to seek abortion regardless of the law. Since the total number of abortions will be greater, what Senator PACKWOOD calls "deaths and maiming from abortion" will be greater too. Abortion is by no means a completely safe procedure, even when performed by a doctor in a hospital. Prior to New York's noble experiment" with abortion on demand, it might have been possible to argue, as Senator PACKWOOD does argue, that legalization would permit abortion to be dealt with according to safe medical procedures. It is no longer possible to argue this. In New York, short-term complications for the woman have been running at a rate of 12.4 per 1,000 abortions; they include such phenomena as hemorrhage, infection, shock, retained tissue, perforated uterus, and lacerated cervix.[12] Long-term complications are yet to be verified. At least 15 women have died as a result of legal abortions, [13] a maternal death rate three times higher than anticipated by the New York City Health Services Administration when the law was passed to take effect on July 1, 1970.[14] In addition, since women are traveling to New York for abortions from all over the United States, the medical statistics in New York for post-operative complications are showing up in the woman's State of residence, not New York. There have been at least 40 recorded cases of infants born alive in New York City's first year of experience with the new law. [15] It truly becomes very hard to sustain the thesis that abortion involves only a woman's control over her own body when live infants are ripped from the protection of the womb and left to die gasping for breath in a sterile hospital basin.

> Second, it would command respect as an evenhanded law, enforceable, fair, nondiscriminatory, protecting and giving the same right to every woman, whatever her race and social class, wherever she may live. It would take the state out of the business of enforcing compulsory pregnancy on unwilling women.

No law which completely ignores the rights of at least one of the parties involved in every abortion—the child—can long command respect as either evenhanded or fair; such a law may be nondiscriminatory as far as women are concerned but there is no conceivable way it could discriminate more against children since it would allow their liquidation at will or whim. It is hard to understand how the term "enforceable" could be applied to such a law. There is nothing to enforce. A law such as this is simply an abdication of the law: everyone would be allowed to do as he pleases in the matter of abortion. Senator PACKWOOD's further comment about enforcement of "compulsory pregnancy" has already been discussed above. He continued:

> Third, it would leave the moral, ethical, and religious issues to the individual conscience, guided by whatever counsellor is trusted, leaving the legislature to protect the civil rights of the individual. Churches and other organizations would be free to advocate their positions as fervently as they wish. While the numbers of abortions might rise with such a law, at least at first, there is also the possibility that when women could seek assistance and counseling more openly, without fear, some abortions would be averted as other support and alternatives were offered. We might hope that the decision to deal with this problem on a national scale, thereby for the first time really revealing the scope of the problem, would serve as a challenge to greater effort for those who say better social conditions are the solution to the problem of abortion.

It is vain to speak of the legislature protecting "the civil rights of the individual" in the context of a law which would permit elective abortion. The civil rights of no individual are safe or secure when the rights of any—for example, the unborn—are nullified, in this case by the State's failure to protect them. As for leaving abortion to the "individual conscience," the Episcopal Bishop of Michigan, the Right Reverend Richard S. Emrich, has most eloquently shown the unacceptability of leaving a moral and ethical judgment which would affect the rights of third parties to the "individual."

Bishop Emrich writes:

> Abortion is for me and for millions of others, the killing of innocent human life. It is not like eating fish on Friday, or going to church on Sunday, or, like the Mormons, refusing to drink coffee. It is a completely central, fundamental, basic moral question involving the value of human life and I simply cannot say, "Let's be tolerant. You kill and I would not kill." If the law permits abortions

---

Footnotes at end of article.

for any reason—I am compelled to say that what is wicked would then be legal. I will not be quiet for the sake of "peace" or "tolerance" any more than I would be quiet before gas chambers. In some ways, we are a pluralistic society but if we cannot agree on the value of human life, then I say we are a corrupt society.[16]

It is not sufficient for the individual conscience to reject abortion for one's own self; the individual conscience must also reject it on behalf of the child victims. No one who seriously believes that the killing of innocent human beings is wrong can easily and tranquilly live in a society which legally sanctions such killing. This attitude should be especially understandable at a time when so many are in conscience finding intolerable the killing which results from a war in which their nation is involved. Anyone who has been involved in one of the State "right to life" committees can testify that many—among the most stable and productive in society—will work tirelessly on the abortion issue and give unstintingly of their own time and resources. The doctrine that abortion should be elective is an outrage to the consciences of such people, and attempts to legalize the practice, to the extent that they are successful, will also "polarize" still one more group against the "system," at a time when a fragmented American society can scarcely afford the alienation of still more people from its laws and Government. In any case, once abortion is legal it is no longer something one can choose to avail oneself of or not. Once it is legal, medicaid or other public health programs will subsidize abortions. This is actually the case where abortion has been legalized in one degree or another; it was bound to be the case when one of the stated aims of abortion "reform" has been to provide the indigent the same access to abortion which the well-to-do have managed by evading the law.

Senator PACKWOOD expressly endorses this aim, and hence his idea that with legalization those who oppose abortion would still be "free to advocate their positions as fervently as they wish" would have little meaning: everybody would be paying for abortions with their tax moneys no matter how abhorrent some might find them. Employees would be obliged to contribute to health and insurance programs paying for legal abortions as a henceforth standard medical practice. In the context of modern healthcare practices, elective abortion would mean compulsory support of abortion by the majority who are not demanding this lethal operation as a new "right." Moreover, it is quite unlikely that the problem of abortion will be altered in any way because, through greater freedom, women will be motivated to seek "counseling more openly, without fear." Counseling is already abundantly available today, yet the demand for abortions continues to rise, in part, perhaps, because almost all the organizations with counseling programs in this area have already accepted the abortion-on-request mentality; many of the women seeking abortions have been, in fact, "counseled" to receive them. It seems clear too that "social conditions" cannot be a major cause of the "abortion explosion." Few countries or periods of history, if any, can match the general prosperity that has prevailed in America during precisely the period that "reform" of abortion laws has become an issue. Senator PACKWOOD is himself the witness that it is mostly the affluent who are currently getting the abortions; if they can afford the psychiatrist who in most places must certify that they need the abortion, they can surely afford whatever "counseling" might help them.

Whatever other evils may be laid at the door of "social conditions" of poverty and deprivation, these conditions can hardly be the cause for very many of the abortions being sought right now—55.5 percent of the women who had legal abortions in New York City during 1970 came from out of State, and could presumably afford the fare to travel to New York for their abortions. More than half of all the abortions were performed on women under 24 years of age.[17] It seems to be quite out of the question that so many young women could have been "frantic with concern over what another baby will mean in an already overburdened household" or that they could already be worn-out with excessive child-bearing. Medical or psychiatric reasons were cited in less than 2 percent of all the New York abortions.[18] The New York law, then, is hardly benefiting the "hard cases" of which the proabortion propaganda so regularly speaks. Rather, the law seems to be providing legal cover for careless, callous and wanton destruction of thousands of children for no other reason that that they are not wanted; and providing society's endorsement on an unprecedented scale of the proposition that people need not be responsible for the consequences of their own actions. He said:

Fourth, it would leave doctors free to practice medicine and hospitals to furnish facilities for such medical practice without foisting on them the burden of trying to interpret the will of society and of making decisions the rest of us do not want to face up to.

As has been pointed out from within the medical profession itself,[19] abortion on demand leaves no scope for the practice of medicine at all, in the true sense of the word. The patient does not ask the doctor to examine her condition, diagnose it through his medical knowledge and skill, and then prescribe or carry out an appropriate remedy. The patient simply demands an abortion.

If he complies, the physician is following her prescription; he is reduced to the level of a technician who merely carries out the procedure. Moreover, the practice of medicine has traditionally involved healing and the saving of life. Even doctors formerly performing therapeutic abortions only did so because they believed the operation was necessary to save the life or health of the mother. With abortion on demand, however, there is no other aim in view except the willed destruction of the child; the aim is purely destructive; this is the negation of the practice of medicine. Furthermore, once abortion is legalized, neither doctors nor hospitals will be free to refuse to perform abortions. Already, in New York, lawsuits have been filed against hospitals on this very issue.[20] Once abortion is accepted as "standard medical practice," both doctors and hospitals can be sued for malpractice if they fail to provide the standard medical care available in a community.[21] Without crediting Senator PACKWOOD's assumption that abortion is indeed a matter within the purview of "the will of society"—the Constitution, again, does not regard decisions on life or death in this light—it should nevertheless be obvious that both doctors and hospitals will have less trouble interpreting laws which strictly forbid abortions except under conditions spelled out in the law—for example, to preserve the life of the mother; abortion on demand, however, will mean, an open Pandora's box from which doctors and hospitals will be the first to suffer.

The Senator continued:

Fifth, it would insure that virtually all abortions would be done at an early stage of pregnancy. One of the emotional issues raised whenever changing abortion laws is discussed, is the specter of viable fetuses being delivered and allowed to die. Because of the genuine concern of many, I have incorporated in this bill a very conservative time limit—16 weeks—within which an abortion would be allowed. This would make absolutely certain that there would be no abortion of a viable fetus.

Senator PACKWOOD's two bills actually provide for 20 weeks, not 16 weeks, as the time limit after which abortions can no longer be performed on request. After 20 weeks, they can only be performed if—

In the judgment of the physician performing such abortion, a failure to perform such abortion is likely to endanger the life or health of such female person.

In practice, however, such a time limit is close to meaningless. The question of determining what conditions might endanger a woman's health is left solely to the physician. It is also a reasonably well-documented fact that physicians doing abortions today are simply taking the fact that a woman desires an abortion as itself the evidence that her health is endangered. There are no longer any clear-cut and definite medical or psychiatric "indications" for abortion accepted in the contemporary medical literature.[22] In this situation, the judgment of the doctor is purely subjective. In practice this can lead to a situation such as the one that in fact now obtains in the District of Columbia, where a statute, recently upheld by the Supreme Court, which allows abortion only to preserve the life or health of the mother, is actually treated as an abortion-on-request law. A recent article in the Washington Post, "Abortion Forces Bid To Push Washington into Big League," confirms how little effect what the laws says may have on physicians, if the law is in fact not enforced:

The U.S. Supreme Court's decision last April 21 cleared up much of the legal haze over the abortion issue that resulted from the ruling by a U.S. District Court judge here that the District of Columbia abortion law was too vague to be enforced. The Supreme Court upheld the law, but in so

Footnotes at end of article.

doing required that the prosecution prove that the woman's mental or physical health was not at stake in order to prosecute the physician.

Doctors say that successful prosecution on these grounds will be very difficult, and that the District can, in effect, be considered as legal a place for abortions as Hawaii, Alaska, California, Washington State, and New York.

If Washington is to compete with New York City for a large share of the market, it will have to do so by drawing from the South and Midwest, areas where Washington is more accessible than New York . . .[23]

In a permissive climate such as this, where what many herald as the liberation of women from child bearing is actually seen as a particularly sordid "market" in human life, and where some doctors seem to be doing pretty much as they please without fear of prosecution, it is unlikely that a legal provision restricting abortions after 20 weeks will have much effect. Legal provisions in effect now are apparently not having any effect. Nor will a mere time limit provide any guarantee that there would be "no abortion of a viable fetus," as Senator PACKWOOD hopes. The progress of medical science has already pushed viability back to about 20 weeks in any case. A doctor comments:

The youngest survivor in medical literature is of about 20 weeks' gestation. Survivors with a birth weight between 1 and 2 pounds are documented. Practically no knowledgeable person considers the age of survivability as immutable; too many variables are involved. In this day of DNA synthesis, test-tube incubation, intrauterine transfusions, talk in high circles of chromosomal manipulation and in vitro generation, the 20-week survivability standard is about as sacred as the 4-minute mile.[24]

With the development of an artificial placenta, perhaps within the next decade, fetuses born as early as 12 weeks after conception might possibly survive.[25] In short, limiting elective abortion to some period before the supposed viability of the fetus accords neither with the scientific evidence regarding the developmental process of every human being from conception through birth, which admits no such cutoff point. Nor does it accord with modern medicine's increasing ability to insure the survival of children born long before the normal term of gestation.

All these, then, are the "benefits" which Senator PACKWOOD sees as resulting from the passage of his elective-abortion bills. Merely on the basis of the analysis attempted here, they seem to be questionable benefits, especially when it is considered that, in order to realize them, the constitutional protections inherent in the fifth and 14th amendments must be suspended as far as the unborn child is concerned.

There remains to be considered the question of why Senator PACKWOOD wants an abortion law which would be national in scope. Legislation on this subject has never been considered within the province of Congress. As President Nixon commented, in rescinding a Department of Defense directive which was allowing abortion virtually on request in military hospitals, regardless of the laws in force—

Historically, laws regulating abortion in the United States have been the province of the States, not the Federal Government. That remains the situation today, as one State after another takes up this question, debates it, and decides it. That is where the decision should be made.[26]

Senator PACKWOOD, however, believes national legislation is necessary because:

The present laws are such a hodgepodge—the situation is in a state of flux, with State legislatures moving in different directions—and strong countermoves underway to move them in the opposite direction. What is permissible this year may not be permissible next year; what is criminal today may be sanctioned tomorrow.

In this situation, it is perhaps not surprising that those favoring elective abortion would like to see the question settled at one stroke. This may be all the more true since abortion "reform" has not been faring so well lately as it did between 1966–70, when 13 States liberalized their statutes in one degree or another, while Alaska, Hawaii, New York, and Washington State virtually legalized the practice. During 1971, however, abortion reform bills failed in the legislatures of Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Hampshire, North Carolina, and North Dakota.[27] The momentum of legalized abortion has clearly stopped, at least for the moment. Clearly, the passage of a Federal bill would obviate the need to fight the battle in the legislature of each State in the face of rising opposition.

However, there is serious question whether Senator PACKWOOD's national abortion bill would not be in conflict with the 10th amendment to the Constitution which provides that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Federal Government has never pretended to have the authority to regulate abortion in the Nation as a whole, any more than it has attempted to regulate local medical or hospital practice directly, or claimed primary jurisdiction in the province of the criminal law. Laws regulating medical practice, like laws prohibiting murder, are State laws. The passage of Senator PACKWOOD's national abortion law by Congress would constitute an assault on American federalism in every way comparable to its assault on the individual rights guaranteed by the 14th amendment. The Congress should reject S. 1750 as outside its proper province.

It is certain, however, that the Congress does have the authority to regulate abortion in the District of Columbia. This is not to say that S. 1751 is in any sense a desirable bill for the District. Rather, the Congress should consider tightening up the present District of Columbia law, in view of the fact that it is being interpreted to allow abortion virtually on demand. Passage of a more restrictive law would not be a retrogressive step. In spite of today's widespread abortion mentality, the debate going on in many States is proving that the American people have not by and large accepted the arguments for abortion on demand. The excesses of the permissive laws in New York and elsewhere are entering the public consciousness. It is clear that the victories permissive abortion has gained up to now were achieved with little opposition and little public consciousness of what was taking place. But now the opposition is beginning to appear.

An authoritative study of all the major polls taken on abortion during the decade of the sixties has recently revealed that, while there is considerable variation among Americans regarding the acceptance of abortion, depending upon the reasons for it, over 80 percent of all Americans oppose simple abortion on demand.[28] The results of this public opinion study are certainly confirmed by the defeat of reform or repeal legislation in State after State as it begins to dawn on the legislators and the public what the abortion reformers are really aiming at.

Moreover, in Iowa, Louisiana, Massachusetts, Minnesota, Ohio, and Vermont, State and Federal courts in the last year or two have been upholding as strictly constitutional laws which forbid abortion except to save the life of the mother.[29] Finally, as already noted above, the President of the United States has declined to accept the arguments for abortion. His statement on the subject might appropriately serve as the policy of the Nation:

From personal and religious beliefs I consider abortion an unacceptable means of population control. Further, unrestricted abortion policies, or abortion on demand, I cannot square with my personal belief in the sanctity of human life—including the life of the yet unborn. For, surely, the unborn have rights also, recognized in law . . .[30]

In summary, then, neither of Senator PACKWOOD'S abortion bills deserves to be enacted by the Congress—for the reasons outlined above, especially because neither bill recognizes that the Constitution of the United States forbids the denial to any person of the equal protection of the laws.

FOOTNOTES

[1] *Congressional Record, Senate,* May 3, 1971. Pages 13155–56.

[2] *Ibid.*, as are all quotations from Senator Packwood's remarks in introducing his two abortion-on-request bills.

[3] Quoted in *AMA News,* October 5, 1970.

[4] Patten, Bradley M. *Foundations of Embryology,* McGraw-Hill, New York, 1964, Page 2.

[5] Cited by Byrne, Robert M. "Abortion On Demand: Whose Morality?" Notre Dame Lawyer, Vol. 46, No. 1, Fall, 1970. Pages 6–7. Byrne draws his scientific evidence from H.M.I. Liley, *Modern Motherhood* (rev. ed., 1969) and Andre Hellegers, M.D., "Fetal Development," *Theological Studies* 3, 7 (1970).

[6] Quoted from a typescript of the federal court decision distributed by the National Right to Life Committee.

[7] Prosser, W. *Law of Torts* (3rd ed., 1964), Page 355; for the Michigan decision see Detroit *News,* July 10, 1971.

[8] Kelly v. Gregory, 282 App. Div. 542, 125 N.Y.S. 2d. 696 (Sup. Ct. 1953). Cited by Byrne, *loc. cit.*, Note 5, above.

[9] See, for example, the cases cited by Byrne, *loc. cit.*, Note 5 above.

[10] The New York *Times,* July 1, 1971.

[11] This figure cited by Wertham, Frederick, M.D. *A Sign for Cain: An Exploration of*

Human Violence. The MacMillan Company, 1966. Page 31.

[12] Press Release of the Administrator, New York City Health Services Administration, February 7, 1971.

[13] The Washington *Post,* June 30, 1971.

[14] See Scott, Lael. "Legal Abortions, Ready or Not." *New York* magazine, Vol. 3, No. 21, May 25, 1970.

[15] *Life in America,* June, 1971.

[16] The Detroit *News,* May 10, 1971.

[17] The Washington *Post,* June 30, 1971.

[18] Figures summarized from available statistical data by Bernard J. Pisani, M.D., Director, Department of Obstetrics and Gynecology, St. Vincent's Hospital, New York, in a personal communication.

[19] See, for example, Connor, Edward J., M.D., F.A.C.O.G. and Aydinel, Orhan, M.D., F.A.C.O.G. "Therapeutic Abortion-Washington, D.C." *Medical Annals of the District of Columbia,* Vol. 39, No. 3, March, 1970.

[20] See *Medical Tribune and Medical News,* August 24, 1970.

[21] See Ramsey, Paul. "Feticide/Infanticide Upon Request." Condensed in Medical-Moral Newsletter, Vol VII, Nos. 3 & 4, November and December, 1970.

[22] See, for example, Callahan, Daniel. *Abortion: Law, Choice and Morality.* The MacMillan Company. New York, 1970, for an exhaustive review of the medical and psychiatric literature, both here and abroad. Since Dr. Callahan himself favors a modified abortion-on-request policy, his finding that there are no longer any clear-cut agreed-upon "indications" for therapeutic abortion would seem to be all the more impressive.

[23] The Washington *Post,* June 7, 1971.

[24] Diamond, Eugene, M.D. "Humanizing the Abortion Debate." *America* magazine, July 19, 1969.

[25] See Cavanaugh, Denis, M.D. "Reforming the Abortion Laws: A Doctor Looks at the Case." *America* magazine, April 18, 1970.

[26] Statement of President Nixon printed in full in, *inter alia, The Wanderer,* April 27, 1971.

[27] "Newsletter," National Right to Life Committee, April and May, 1971.

[28] See Blake, Judith. "Abortion and Public Opinion: the 1960–1970 Decade." *Science,* Vol. 171, 12 February 1971.

[29] See "Special Legal Report: Courts Defend the Unborn." "Newsletter," National Right to Life Committee.

[30] Statement of President Nixon, Note 26 above.

ADEQUATE MEDICAL CARE FOR ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 20 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to discuss the problems of the elderly in the area of health care and costs. I do not intend to assign any oratorical priority to this problem and claim it is the most serious problem facing the elderly. Last week I devoted a full speech to the problems of adequate income confronting the elderly. Next week I intend to take up the problem of adequate housing. I see nothing to be gained by putting one of these problems ahead of another. It is the combination of all three of these most pressing and overwhelming concerns which make old age the difficult period of life it is. I suppose what makes the problem of health costs such an overwhelming preoccupation for the elderly is that this is the age bracket of our population which is confined for the most part to fixed incomes. While health costs are free to spiral at a dizzying pace through the ceiling, the incomes of those most affected by these costs are fixed in the form of either pensions or social security benefits. The irony in all of this, if that is an appropriate choice of words, is that we have a situation where those least able to pay are those who most often have to pay. Statistics confirm what common sense would indicate, that those over 65 are faced with the greatest need for medical attention. Last year, the average medical bill, for instance, for each aged person is estimated to be $791 or more than six times the average youth's bill of $123 and almost three times the intermediate aged bill of $296. Yet this is the age group most likely to be affected by chronic illness, as well as general incapacitation requiring either constant medical or custodial attention.

At the outset it would be worthwhile, in order to appreciate the gravity of the present crisis in health care for the elderly to examine statistically what again common knowledge claims has happened to health costs in general in recent years. The figures in fact, speak for themselves. In the last 20 years each person's average medical bill has grown from $79—using 1950 as a base year—to $324 in 1970, representing an average yearly increase of 7.3 percent. When adjusted to account for the average increase in wage levels, over the same 20-year period, we find that we have a net real increase in health costs of 4.3 percent over the same 20-year period. But I have serious reservations whether this figure should in fact be weighted in this manner in view of the fact that the age group we are discussing happens to be, for the most part, on fixed incomes which just have not participated in the general increase in wage levels for the economy as a whole.

Clearly, it was pressure of this magnitude and this form which drove men of good conscience in the early 1960's to conclude that something had to be done then and there, unless the aged were to be forced to resign themselves to a dismal future with only two prospects, either financial ruin or lack of needed medical attention. These staggering increase in the cost of health care, in other words, provided the incentive to pass legislation providing health insurance for those over 65. Medicare, the resulting legislation, has justifiably been referred to as one of the legislative milestones of the 1960's. I know Chairman MILLS is proud of the tremendously important role he played in devising a bill which would pass both Houses and accomplish this objective. It certainly stands as a monument to the memory of the late, great John Fogarty, my dear colleague from Rhode Island. As originally conceived, medicare was a truly great step forward in the annals of this Nation's history, not just in legislation for the elderly, but in the annals of social legislation in general. It was the embodiment of our Nation's commitment to provide for the needs of our elderly citizens in the vital area of medical care. Rather than making it a handout or charity for those too proud to accept it, it was set up in the form of a social insurance program whereby workers during their productive years, and their employers, would begin to pay toward hospital and related care costs they would meet in their senior years. Today it is estimated that some 20 million persons are enrolled in the program. There can be no denying that there has been improvement in the lot of the elderly as a result of the program. In premedicare days, that is, before 1966, it is estimated that some three-tenths of an aged person's medical bill was paid for with public funds. By fiscal year 1970 it is estimated that fully two-thirds of the total bill for medical aid for the aged was Government funded, with medicare alone contributing some 43 percent and medicaid picking up the remaining 16 percent. Medicaid, a program administered by the States to aid the needy has certainly come in for its share of criticism lately, but at this stage I am only interested in focusing on the contribution it makes toward helping the elderly meet their medical expenses. According to my calculations this still leaves 29 percent of the average aged person's health bill properly classified as out-of-pocket expenses. Viewed from another angle, I think the impact of the medicare program can be seen even more dramatically. In pre-medicare days, 69 cents of every dollar spent on health care came from the individual's own finances. By fiscal year 1970, 67 cents of each dollar spent on health care was paid for by all levels of Government—in other words, almost the complete reversal of the case in 1965.

Now, if we were to leave the story at this point, as too many have, and walk away from it feeling our job has been done and we have succeeded beyond our wildest expectations, we would be making a very serious mistake. While I would hate to think of the situation facing the elderly without medicare, that is not the same as saying I am satisfied that we have gone far enough. The fact is that, whether because of or in spite of massive Federal and State involvement in health care programs for the elderly such as medicare and medicaid, there are still far too many cases being brought to every Congressman's attention where individuals in old age are being hounded to the grave by staggering and impossible medical costs. Had medical costs been frozen in at their 1965 level, the legislation might still need updating, but perhaps the word "crisis" would be an exaggeration. But as we all know, the State and Federal governments have not been able to get a handle on medical costs and they have probably risen more in the past 4 years than any other single sector of the economy. Thus, financial ruin is still a very real possibility for too many of our elderly, after they have either gone over the present 60 cost-free days of in-hospital treatment or exhausted their individual lifetime reserve. Even the statistics quoted above, impressive as they are, must be viewed with the knowledge that while 67 cents of each dollar spent on health care is being paid for by all levels of government today, since more dollars are being charged for health care, the 33 cents of each dollar borne

by the individual adds up to a very significant amount indeed. In some cases, the individual is really not any better off when he pays his share of the bill, than 6 years ago. If this were an exceptional situation, my remarks might be of very limited interest indeed but the fact is that these cases are too numerous to document here and I am sure other Congressmen have encountered similar situations.

Another indication of the increased financial burden on those with fixed incomes, even under the medicare program, is that the deductible under part A of the medicare program of inpatient hospital treatment has just been increased to $68 by the Secretary of Health, Education, and Welfare. As I pointed out on October 4, on the floor of this House, this announcement by a high administration official in the midst of a wage-price freeze would seem to go against the spirit of that program. This $8 increase represents a 13½ percent increase in the cost of medical service. To someone living on social security benefits who is used to watching percentage increases in the cost of living very carefully, this is indeed a significant increase. As I said then:

> 13⅓ percent increase in the cost of services in one sector of the economy—the result of a government announcement—is a bad example for the rest of the economy.

The situation is much more serious when we consider the fact that since July 1966 the deductible has been increased a total of four times. As a matter of fact, the new $68 figure represents a difference of $28 over the $40 figure at which the program began back in July of 1966. To me, this development is indicative of the way all kinds of costs have been allowed to increase under the medicare program, almost surreptitiously, buried as these announcements are in the inner recesses of the Federal Register and couched in the most obtuse legalese the HEW is capable of.

When we examine what has happened under part B of the medicare program, the voluntary supplementary program which covers the costs of doctors' services and a number of other items and services not covered under the basic program embodied in part A, the situation is even more serious if possible. Part B is largely financed through monthly permiums contributed by enrollees with matching funds from the Federal Government. What has been the record of monthly premiums paid under part B? From July 1966 when the monthly premiums stood at $3, we found ourselves in July 1971 with a monthly premium of $5.60—close to a 100-percent increase. As a matter of fact, many are now watching to see whether HEW will announce a further increase at the end of this year, pending completion of its current review of costs of the medicare program. H.R. 1, which has passed the House and is currently languishing in the Senate, does attempt to address itself to this upward trend in monthly premiums by freezing them at the present $5.60 level and permitting further increases only when there are increases in social security benefits. But even this illustrates just why the elderly never seem to get ahead under our present programs. Every time there is an increase in social security benefits, there is always someone ready to increase costs. Often it can only appear to the elderly that what the Government gives with one hand with such great fanfare and publicity, it takes away with the other hand clandestinely and without much advance notice. And I am only talking about costs that are effected by Government decree. I have not even mentioned all the elements in the cost of living which are outside direct Government control. This is the principal reason I have such serious reservations about the prospect of any real improvement in the lot of those totally dependent upon social security benefits, if all they have to depend on is a cost of living adjustment mechanism. Five dollars and sixty cents might not seem much to someone earning $300 or $400 a month, but to some one trying to live on $100 or less the situation is almost impossible.

But none of the above statistics, I think illustrate as serious a threat to the financial peace of mind of our elderly under the medicare program than the prospect that with the passage of H.R. 1 the period of cost-free hospitalization under medicare will be reduced from 60 days to 30 days. Even under the current law with provision for 60 days of free hospitalization, there are far too many well documented cases where many of our elderly citizens are encountering financial ruin—whether their own or close relatives'—if they happen to be in the middle-income bracket and need hospitalization of more than 60 days. Actually the H.R. 1 reduction to 30 days represents a distinct improvement over the original administration request to reduce the period of free hospital care from 60 to 15 days. This is but another example of the numerous frontal attacks on the medicare program—reducing, chopping, eating away at the modest coverage the original sponsors of the legislation intended. The elderly, consequently, are beginning to get the message and, not surprisingly, they do not like what they hear. Chronic illness is not so infrequent that anyone can be happy at the prospect of seeing coverage cut from 60 to 15 days, or even 30 days. I am talking now about hospitalization. But what of the thousands around the country who are faced with the prospect of spending the remainder of their lives in custodial care? My constituent mail is replete with stories of how widowers and widows were financially ruined by the costs of providing minimal home nursing or long-term nursing home care. This, in my opinion, is the most serious flaw in the current medicare set up. Because of old age, many find it necessary to spend time in convalescence and custodial care for long periods of time with no protection under the present system. Many defenders of the status quo argue, whatever happened to family loyalty of the old days when one member of the family took care of the others? The irony is that I know of many first-hand instances where members of the family were forced to take a job simply to pay for the visits of a nurse or doctor to their home on a regular basis, to treat one of their close relatives.

Another staggering contributor to the rising medical costs associated with growing old is the cost of medication and prescription drugs. The cost of prescription drugs is now the largest single medical expense the elderly must meet almost entirely from their own finances. It is for this reason that I was one of the first of 113 Congressmen to cosponsor H.R. 2355 which would expand medicare to include the cost of prescription drugs consumed out of hospitals. Congressman OBEY is to be congratulated for the leadership he displayed in introducing this far-seeking piece of legislation. It would constitute a real measure of relief to the elderly were it to pass, as the prescription drug expenditure is more than 3 times the average facing persons under 65. Confronted with these statistics, the many financial and administrative arguments raised against the Federal Government's picking up the tab for this integral part of health care appear miniscule, indeed, and so much concern about very little.

Quite apart from the problem of costs, important as they are, are the more difficult-to-pin-down gaps in coverage under the present medicare program. Unfortunately, it requires considerable time to be specific about this aspect of the problem since it requires discussion on a case-by-case basis. I think the following case, however, illustrates the sort of problem which occurs all too frequently under the present program. It is based directly on correspondence over a long period of time with one of my constituents. One gentleman has corresponded with me on numerous occasions on the serious illness of his wife, who after several operations, was transferred to an extended care facility and finally returned home. Only one of the many major health problems under medicare raised by this particular constituents was the medicare certified home health agencies' provision.

Under the medicare regulations governing home health agencies and the services they provide, an agency is only required to provide two services, one of which must be skilled nursing care. The agency may choose the other service it must provide in addition to nursing.

The Social Security Administration regional representative for health insurance informed my constitutent that the health center available to him, and the only one in his town, provided skilled nursing services and choose to provide physical therapy as its other required service. While this particular agency could, if it wished, provide other services in addition to nursing and physical therapy it is not required to do so under the medicare provisions. Consequently because this particular health center did not choose to provide home health aid services, this gentleman's wife was not eligible to receive such services. As an aside, it is interesting to note that several surrounding towns provided homemaker services, however, for my constituent to receive them it was necessary for him to do so only on a private basis for his wife.

To me this is just another indication of regulations that work against the sick and elderly—all in a program that was designed to assist people when they needed help the most.

The human element here just cannot be ignored. In the midst of his running battle to reclaim expenses from his local

social security office, the person dearest to his heart passed away. Within days after the funeral, the poor man was required to meet a deadline and file a notice of appeal. I could go on and on—but suffice it to say, whatever else it has done, medicare has not brought peace of mind to this family.

Having spent this much time criticizing the present program it is only natural to conclude by asking, where do we go from here? What should be done? I know that until now the main focus of attack by the organizations representing the elderly has been to expand present programs and reform piecemeal existing legislation. I hope I will be excused if I despair together with the elderly in my district about the magnitude of the task and the time it would require to be successful. Again, it would seem that we are asking the present generation of elderly to be patient with the promise that future generations will be better off. This sacrificed generation approach is something I find repugnant and not worthy of this Nation and its capabilities. I find myself looking with greater hope on the infinite possibilities offered by the present hearings being conducted by the Ways and Means Committee on the various national health insurance proposals. In this connection, I find myself struck by the manner in which the chairman of that committee put the problem into prospective at the opening of those hearings. Chairman MILLS was quoted on that occasion as stating the problem as follows:

> The ability to produce the highest quality care—but with services so unevenly available that the U.S. lags behind many other nations in major health indices.
>
> The capacity to consume 7 per cent of the gross national product (sum of all U.S. goods and services), but almost half the increased health care expenditures in the last decade went for higher prices not more services.
>
> Rapid growth in the number of hospital and nursing home beds—but so lacking in planning as to create costly surpluses in many areas and shortages in others.
>
> A medical education system which responds to increased demand for physicians' services largely by importing thousands of less well trained foreign medical graduates, aggravating the already serious maldistribution of physicians.
>
> A largely non-profit hospital system which actually makes "profits" from a cost-plus payment system lacking incentives for efficient services.
>
> And a clientele which is increasingly resentful of trying to find the way through a maze of referring practitioners to find services for which a higher and higher part of the family budget must be used and this without confidence that the care finally obtained is appropriate or of high quality.

The idea of national health insurance is nothing new. If you can believe it, as far back as World War I, the American Medical Association which was then an up and coming radical group proposed a comprehensive, tax-financed, health insurance package. It was only natural that the idea would be revived in the New Deal and later in the Fair Deal, again during the New Frontier and most recently during the Great Society.

At this late date I hope I would not be considered too premature if I went so far as to say that support is galvanizing behind the concept and it is an idea, if ever there was one, whose time has come.

One need go no further to find proof of the truth of this assertion than to look at the number of health insurance proposals which have been filed this session of Congress. When Congress recessed in August, there had already been filed a total of 10 different national health insurance proposals. This seems to me to be clear evidence something is about to happen when you see this many public officials wanting to get into the act and have a say about the final shape of things to come. When you see the present administration come out with its own plan, the National Health Insurance Partnership Act, then you can be sure that there is on the part of the electorate a growing impatience with the absence of any genuine national health insurance scheme.

And why would they not be? Why would the people not be fed up with skyrocketing medical costs? Why would the people not be fed up with the failure of medicare and medicaid to solve the problem? I know, both of these programs were passed with tremendous enthusiasm. The Congressmen who voted for them felt they were ushering in an historic new era of social services to the people. When I think back on it, we thought that the day medicare passed, this Nation had reached a new millenium, utopia was just around the corner. Perhaps we needed this kind of childlike faith and boundless optimism or even that much help for those in our society who needed help the most would not have been given. But medicare has not done the job. Serious reflection would indicate it could not possibly do the job.

No one can disagree with the opinion that medicare and medicaid are not the answer to this Nation's crisis in health care. It seems to me that it should not be beyond the capabilities of the richest, most technologically advanced nation in the world to devise a system which will come to grips with the problem of health care, whether viewed from the angle of delivery or cost. Other nations around this world, considerably less well off than ours, have addressed themselves to this problem. Some of the nations of Europe tackled the problem while their cities and countrysides literally were still smouldering from the bombing and destruction of World War II. They made it their first order of business. The population apparently would not have it any other way. Churchill was pushed aside because Atlee had the health plan and Churchill did not. Now no one is saying that the Europeans have managed to eliminate all of the bugs from a national health insurance system. The critics who were around at its inception are still around making constructive suggestions for reforming the system. But no one, and I repeat no one, in a position of responsibility in those countries today is advocating dismantling the system. When I read all the mail coming in against a national health insurance scheme for this country, I find myself agreeing with some of the criticisms and recognizing some of my own fears about what might possibly happen. But the crisis is getting no better for the lack of a plan—for the lack of action. It is clearly going from worse to worst. The way things now stand the Federal Government is basically powerless to control the costs and the quality of delivery but at the same time it is accused of contributing to the deterioration and quality of care and the increase in costs because of what little it has done to date; namely, medicare and medicaid. In other words, by stopping and standing still in our efforts to see to it that no American goes without health care because it just is not available or they cannot afford it, we are in danger of causing just what we set out to cure in 1960. There are some things apparently that do not lend themselves to a piecemeal approach and medical care is apparently one of these. Even the AMA and the AHA and the chambers of commerce seem to be telling us is that medicare and medicaid do not go far enough and that they have indirectly caused a good deal of the present problem. They admit something further has to be done and have filed their own proposals to do this. There is no question in my mind that piecemeal approaches to social legislation invariably wind up having the effect of putting the greatest burden on the low-income families in our society. Not the really poor, they qualify invariably according to some cutoff level formula. Of course, the well to do usually manage to find the money or contribute to an insurance scheme to take care of the vital matters of life and death. So what are we left with? That great broad cross section of our society where I am convinced the majority of our people find themselves, the low- and middle-income group. They are the ones who are bearing the brunt of the burden of skyrocketing medical costs and prohibitive insurance premiums. All you have to do is work in a Congressman's office 1 day and you will learn, if nothing else, from the mail received each day just how many Americans cannot afford to go to a hospital or pay for the care they need.

So, I say now is the time for the majority of the American people to stand up and be heard. To do away with poverty levels and means tests, which have never been administered properly any way by our bureaucracies. To scrap medicare and medicaid and with those programs all the divisiveness, mismanagement, and ineffectiveness that goes with those programs. Now is the time for a single comprehensive insurance program open to all Americans and backed up by the full faith and credit of the U.S. Government which owes us no more and no less, as part of our inalienable right to health and happiness in the world's greatest democracy. Sure it is going to cost: all good things do cost money. But in view of the billions we are currently throwing away on the current medicare and medicaid programs, the money is already being spent. It is just a matter of spending it in a better, fairer way. Hospital and medical costs will then be completely responsive to control. Right now there are a number of people walking the streets of this country who can neither afford private hospital insurance or to pay medical bills. This to me is an intolerable situation. A national insurance scheme would in effect be another element in a policy which would even out the mountains facing individuals by hav-

ing everyone bear a proportionate share of the cost. Sure this will be a tax burden, but it will not be a burden which will wipe any family out, as our present system, or lack of one, does. As to those who argue this will produce nothing but long waiting lines outside of doctors' offices, all I can say is that I would rather see some people getting medical attention who perhaps don't need it in order to see that everyone who needs it gets it. Right now I know this is not the case. I could sleep more comfortably at night even if some overuse resulted under a national health insurance scheme than I am at present knowing full well that some people are going without vital medical attention because they cannot afford it and no one cares. As for the doctors going on strike and not wanting to be part of a system run by big brother, doctors are still practicing in every country in Europe today and the medical schools are still turning down applicants for lack of space. Sure the forces we will have to overcome are great but we must come out fighting for the most we can get now so that what we do get will be better than what we now have and it must come before too much more time goes by.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, when the bill H.R. 11731, the Defense Appropriation Act of 1971, reaches the floor of the House later this week I intend to offer a 2-percent efficiency amendment that would hold fiscal 1972 spending to the fiscal 1971 level. Today I would like to explain to my colleagues what the amendment would do and why I intend to offer it. I will discuss how defense costs have increased recently despite an anticipated decrease, the inadequate explanation by the Committee on Appropriations in its report accompanying H.R. 11731 and the reasons I believe a 2-percent efficiency amendment should be adopted.

I

Mr. Speaker, my amendment is very straightforward. The bill reported by the Committee on Appropriations provides for $71 billion, the adoption of my amendment would hold defense spending to the fiscal 1971 level of $69.5 billion. My amendment would cut the defense appropriation by $1.5 billion, an effective efficiency cut of 2 percent.

The committee in its report for H.R. 11731 correctly points out that in the past, after a war, defense spending has declined. Quite the opposite has been true as the war in Vietnam has slowly wound down. Defense spending in constant dollars has been increasing. The American people are paying more and, I believe, are getting less in terms of real security for their defense tax dollar.

This year's budget shows an increase of $3.1 billion in defense spending when the dollar figures are adjusted for inflation and the decreased costs of the war in Vietnam as indicated in table I.

Table I

New Budget Obligational Authority fiscal year 1971	$69.5
Fiscal year 1971 BOA adjusted for inflation	71.9
Estimated Savings from Vietnamization fiscal year 1972	4.0
Fiscal year 1971 BOA adjusted for inflation and Vietnamization	67.9
New Budget Obligational Authority fiscal year 1972	71.0
Adjusted increase fiscal year 1971–72	3.1

Table I adjusts the fiscal year 1971 budget for inflation and the savings of the Vietnamization program for fiscal year 1972. If defense spending did not increase in constant 1972 dollars then the defense budget would be $67.9 billion. Thus the bill that the committee has reported to the House includes an increase of $3.1 billion.

This large increase—$3.1 billion—in spending is difficult to justify given major decreases in cost that have occurred since the beginning of the Vietnam war. Both strategic forces modernization and baseline general purpose forces costs have declined using constant 1972 prices.

TABLE II

[In billions of constant 1972 dollars]

Procurement use	1964	1965–71	1972
Strategic nuclear forces	$6.1	$3.3	$3.3
Non-Vietnam general purpose forces	13.2	14.8	14.1

Anticipated savings:	Billions
Decrease cost-strategic nuclear forces	$2.8
Non-Vietnam general purpose forces	.9
Total	3.7

Thus not only has the defense budget increased by more than $3 billion in the last year, but savings that had been anticipated have not materialized.

Neither the administration nor the committee have explained where this $3.7 billion has gone. Thus we can only guess what has happened to these funds. Three possibilities come to mind: Continued goldplating and cost growth in the development and procurement of new weapons systems; failure to cut back the support structure proportionate to the reduction in operating combat forces; and vested interests succeeding in keeping marginal forces and programs. In all likelihood no single factor accounts for all the more than $3.7 billion in waste; it is probably some combination.

II

In its report accompanying H.R. 11731 the committee discusses an unadjusted increase of $1.5 billion that has occurred in the last year.

They write:

> The increase of $1.5 billion is supported by a number of factors. High costs due to economic inflation have caused defense costs to rise. The desire to continue ongoing programs and installations in order to provide jobs and in order to avoid a further increase in unemployment is probably a factor. Also the military services, as is not uncharacteristic of government agencies generally have sought the opportunity to keep their budgets at a high level and have included favored programs in the Budget which could not be funded when the war made heavier demands on appropriations.

I would like to discuss in detail each one of these three reasons offered for the increase on defense spending—inflation, employment, and the delay of favored programs.

Testifying before the Appropriations Subcommittee on the Department of Defense the Department's Comptroller, Mr. Robert C. Moot, indicated that the administration excepted a 3½-percent increase in defense costs due to inflation. As indicated earlier in table I when the fiscal year 1971 budget is adjusted for inflation and the savings that Secretary of Defense Laird estimates result from the Vietnamization program, the cost of defense is still increasing in real terms by $3.1 billion. The real cause of the increasing cost of defense is not inflation.

The President's new economic policy should further decrease the cost of inflation in fiscal 1972. If Secretary of the Treasury Connally achieves his goals of 2 percent inflation for calendar year 1972 the real increase in defense expenditure would be $3.6 billion.

Defense costs could be reduced if the Secretary of Defense adopted a major recommendation of the Blue Ribbon Panel on Defense. That group suggested that the Department of Defense ought to be able to raise its own productivity 1 percent or half of the cut that I propose should be anticipated automatically.

III

The second reason offered by the committee for the increase in war spending was the maintenance of employment. I find this argument most disturbing. All of us know that increasing defense spending is not an efficient or economically sound mechanism to maintain employment or create jobs. Defense industries produce goods that Americans do not consume. Government, when it spends on defense to maintain jobs, in effect, creates a new kind of WPA. In the 1970's the committee seems to be implicitly saying, we will make work for highly trained and skilled engineers even though we really do not need the products that they produce.

At the same time that the committee argues that the defense spending is rising to maintain employment, this administration has impounded approximately $12 billion of fiscal year 1971 funds that could not only maintain jobs but create thousands of new jobs.

In testimony before a Senate subcommittee on March 23 of this year Mayor Alioto of San Francisco revealed that $792 million appropriated by this House has been impounded by the administration. The detailed items are listed in table III.

Table III.—Federally impounded funds fiscal year 1971

[In millions of dollars]

Water and sewer facilities	$200
Public housing	192
Transportation	200
Urban renewal	200
Total	792

This $792 million as indicated in table III if spent would not only create thousands of jobs, it would be a giant step forward in meeting the problems of our cities—old and dilapidated housing, poor urban transit, and outdated and inadequate water and sewer facilities.

The committee's desire to maintain employment and the administration's refusal to release these funds comes to the heart of one of the principal reasons that I offer this amendment—to reorder our national priorities. Economic adjustments are difficult for individuals and

communities and Government must help them make the necessary adjustments. But to spend on defense to maintain jobs while denying funds to meet the Nation's more pressing needs that would create thousands of new jobs, I believe dramatically illustrates how terribly misguided our national priorities have become.

IV

The third justification offered by the Committee on Appropriations for the increase in defense spending has been the desire of the military services to fund favored programs, that were delayed because of the fighting in Vietnam.

Not only is this reasoning false, but it reveals the inability and the unwillingness of those of us in Congress to withstand the pressure brought to bear by the Pentagon bureaucracy to fund often ill-conceived, problem-ridden, and even unnecessary programs.

The fact of the matter is, Mr. Speaker, that not only were few, if any, favored programs delayed by the war, but our fighting of the war in Vietnam allowed the military to conduct the most thorough modernization program since World War II.

Procurement for general purpose forces not engaged in Vietnam actually increased on the average during the 7-year period 1965–71 after allowing for inflation. Considerable modernization was financed by the war itself. As older equipment was attrited, replacements were procured. In many cases, replacements were of newer generations and models with more sophistication, reliability, maintainability, and firepower than the material and weapons that they replaced.

In addition, the administration has announced that from $3 to $5 billion in military equipment and stocks will have been returned to this country by next June. Much of his material was purchased during the war. To the extent it was treated as a Vietnam-related cost, the modernization that this material represents is in addition to the average increased non-Vietnam procurement mentioned above.

When the Committee on Appropriations mentions favored programs, it surely cannot be referring to either general purpose forces or the modernization of strategic weapons systems. As demonstrated in table II, these costs should have actually decreased since fiscal 1964. While there are many programs that fall into the favored program category, I shall only briefly discuss three: the F–14, the Navy's shipbuilding program, and the B–1 manned bomber.

Even the committee itself recognizes problems connected with the F–14 program. The plane is also the subject of separate views signed by the gentleman from Maryland (Mr. LONG) and the gentleman from Illinois (Mr. YATES). Yet, despite all the doubts expressed and the committee's recommendation that the Navy explore every avenue available under existing airframe and advanced technology * * * to minimize as far as possible the total number of F–14A's purchased, the bill reported to this House includes $801.6 million to build 48 F–14A's, precisely the action the committee recommends against. The committee has recognized problems with the F–14 program, but failed to do anything about it.

Another favored program is the $1.4 billion new ship and ship conversion program. In this case, some of the ships are unnecessary under current Navy force level plans.

Included in this bill will be $370 million for the B–1 manned bomber. Members of this House and the other body have called into question the wisdom of building a new manned bomber. Many of us have serious doubts about such an aircraft's survivability and reliability.

The committee presents three arguments to justify an unadjusted increase of $1.5 billion in defense spending. I have calculated the increase when adjusted for inflation and Vietnam savings as $3.1 billion. The inflation argument is irrelevant, since inflation coupled with Vietnam savings still indicates an increase of defense spending in constant 1972 dollars of $3.1 billion. The committee attempts to justify the increase on the basis of employment, while the administration impounds billions of dollars that could create thousands of jobs. I know of no more glaring example of this Nation's misguided priorities than a double standard of billions for aerospace and impounding of funds for our cities. The committee admits that it is funding a series of favored programs and admits, at least, implicitly that it cannot stand the pressure from the Pentagon bureaucracy. The most distressing case is the F–14 where the committee recommends that the Navy do one thing—build as few F–14A's as possible—and then hands them $801.6 million to do exactly the opposite.

In sum, it is my contention that the Committee on Appropriations has made a very poor case for an adjusted increase for military of constant 1972 dollars of $3.1 billion.

V

I would like to now discuss with my colleagues in detail why I am proposing this 2 percent efficiency amendment that is a ceiling on defense expenditures. There are three principal reasons that have led me to offer this amendment—the obvious need to eliminate waste in the Defense Department and defense industries, to reorder our national priorities, and to reassert the role of the Congress in policymaking.

I demonstrated earlier that after adjustments for inflation and savings from Vietnamization that there will be $3.1 billion increase in defense spending in fiscal year 1972 compared to last year. In addition, I indicated that expected decreases in defense costs of aproximately $3.7 billion have failed to materialize.

Mr. Speaker, the American people are being asked to pay more for defense and they are getting less not only in quantity, but often in quality.

The Senate Armed Services Committee in its report on the defense authorization bill said:

> If the geometric cost increase for weapon systems is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at a sharp numerical disadvantage. Present trends, if continued, make it unlikely that this level of funding will be adequate in the near future for the development and procurement of sufficient weapons to equip our forces. But to protect the national security, we must be assured that we will be able to have sufficient forces in time to defend ourselves; an insufficient number of costly, complex and ineffective weapons cannot assure us of this. The present trend of manpower and weapon system costs means that we will soon see either striking increases in Defense budgets, a sharp decline in force levels and readiness, or reform of the weapon system development and procurement process. If defense budgets are to remain more or less constant, as now seems likely, and consume an ever smaller part of the nation's resources, then the present development and procurement policies are no longer open to us. They only point the way to burdensome increases in defense spending, inadequate forces for defense, or to both of those unacceptable alternatives.

On August 4 of this year I pointed out to my colleagues the increasing cost of replacements of a variety of weapon systems:

INCREASED COST OF REPLACEMENT WEAPONS

[In constant fiscal year 1970 dollars]

Weapon	Date	Amount
(1) Tanks:		
M–3	Early 1940's	$125,000
M–48	Early 1950's	175,000
M–60	Early 1960's	200,000
M–60–A1–E2	Early 1970's	500,000
XM–803 (MBT–70)	Middle 1970's	900,000
(2) Air-to-air munitions:		
AIM–9B	Late 1905's	10,000
AIM–7D	Middle 1960's	50,000
AIM–7F	Early 1970's	120,000
AIM–54	Middle 1970's	400,000
(3) Fighter aircraft:		
P–51	Early 1940's	200,000
P–86	Late 1940's	400,000
F–100C	Middle 1950's	1,100,000
F–104C	Late 1950's	1,600,000
F–4B	Early 1960's	3,500,000
F–15	Middle 1970's	9,000,000

An F–4 costs less than $5 million a copy. An F–14 will surely cost more than the current estimate of $16.7 million. How can we possibly replace a full fleet of F–4 aircraft with F–14's without spending around $20 billion? The only alternative is to build fewer airplanes. I believe that Senator PROXMIRE was essentially right when he said that the United States has begun to engage in the more expensive gold-plated unilateral disarmament in history.

Many of our major weapons systems are either oversophisticated or simply unnecessary. The committee quite correctly endorses the Air Force's new lightweight inexpensive prototype programs. It is undoubtedly true that the United States could build a decent fighter for much less than we are paying for the F–14. Goldplating and cost growth are problems that have plagued almost every major weapon system in recent years.

Some systems in addition to being unnecessarily sophisticated are also unneeded. This appropriation includes funds for seven DD–963's for approximately $600 million. These new escorts are not needed to escort the 12 carrier Navy that the United States will be maintaining by 1980.

The United States must maintain an effective national security posture, but if we continue on our current course we might bankrupt ourselves in the process. That is why I am calling for a ceiling that is, in its effect, a 2-percent efficiency cut. The Department of Defense's track record in cost and cost overruns is well known to the Members of this House and to the American people. A recent Gallup poll revealed that 50 percent of the American people want to spend less on defense. Everybody knows that there is waste in the military services. Many of us, like myself, served in the military and know exactly how wasteful our military is.

My point, Mr. Speaker, is a simple one. With a 2-percent efficiency cut the Congress can discipline the Department of Defense to modernize its operations and become more efficient, eliminating wasteful programs and projects. The Blue Ribbon Defense Panel has already suggested a 1-percent productivity allowance which the Department has not put into effect.

All of us are concerned about efficiency in our Federal Government. Here is a tested straightforward method—a ceiling—that can trim down and tighten up the operation of the Defense Department.

In addition, to disciplining the Defense Department with the 2-percent efficiency ceiling would be a first step in reordering national priorities. Earlier I mentioned almost $800 million that the Nixon administration has impounded. This is money that could revitalize our cities and create thousands of jobs. The passage of the 2-percent efficiency cut in the form of a ceiling would announce to the American people that the time for a change had come. It would demonstrate to the American people that this House is ready to devote its energies and resources to the problems of the environment, the cities, and education.

With the passage of this amendment we would take only a first step in reordering national priorities. It is, however, the first step that would be a giant step—a sign that Government must become more efficient and responsive to the needs of all our citizens.

The third reason I am offering my 2-percent efficiency cut is to reassert the role of the Congress in policymaking. For too long we in the Congress have been unwilling to tackle the defense budget because it was too technical and too complex. All of us may have felt that only the military could decide "how much is enough" for defense.

While all of us thought that the military was merely carrying out its technical function, it has been the Pentagon bureaucracy that has been making policy as well as technical decisions regarding our Nation's defense posture. This House has not only a constitutional right but an obligation to reassert its role in the crucial aspect of policymaking. The Executive has no monopoly over the powers of war and the purse.

The question of how much is enough is not technical but a matter of policy. In the past it has been decided by the Pentagon. Rightfully the decision should rest with the Congress.

When this House decided not to build the SST it was not a question of our technical ability to build the plane, it was a matter of policy. Given the cost, its effects on the environment and other factors, we declared that the SST was not worth the expense. This week, when I offer my amendment we will have an opportunity to trim down the defense budget to the level we spent last year. This action, which is not a technical matter, would be a judgment by this House that the Defense Establishment can be more efficient and withstand a reduction of 2 percent. The passage of this amendment would indicate a change in national priorities and a reassertion of the proper constitutional role of the Congress.

I submit that a 2-percent efficiency cut would make our Defense Establishment more efficient and modern. The way to create jobs is not through a new aerospace WPA, but by reordering our national priorities and attacking those problems that need our immediate attention. By disciplining the wasteful Defense Department's spending, this House can reinvigorate its own constitutional role and function.

PADRE OF THE YEAR—RT. REV. MSGR. JOHN J. McGRATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 5 minutes.

Mr. SHIPLEY. Mr. Speaker, a very good friend of mine, Rt. Rev. Msgr. John J. McGrath has recently been named Padre of the Year by the National Catholic Youth Federation and has been honored by the Illinois General Assembly. I would like to place in the CONGRESSIONAL RECORD a copy of the resolution that was adopted by the Illinois House of Representatives:

ILLINOIS HOUSE OF REPRESENTATIVES HOUSE RESOLUTION No. 489

Whereas, for more than a quarter-century he has performed his priestly duties in great joy and thanksgiving to his God for having given him the call to devote his life on this earth to ministering to the spiritual needs of his people; and

Whereas, he has served parishes at Springfield, Illinois, New Berlin and currently is the pastor of St. Anthony parish in Effingham; and

Whereas, an integral part of his ministry has been his joyful service to young people through 23 years as Director of the Catholic Youth Organization in the Springfield Roman Catholic Diocese; and

Whereas, this "complete" priest was recognized by Pope Paul VI in June, 1966, who elevated him to the rank of Domestic Prelate; and

Whereas, his guidance and counsel to the youth have produced rich rewards in seeing these young people grow into maturity reflecting the qualities manifested by his teachings; and

Whereas, his selfless devotion to these youth is being acknowledged on Saturday, November 13, 1971 by the National Catholic Youth Federation in convention in Washington, D.C., by presenting him with its "Padre of the Year" Award; therefore, be it

Resolved by the House of Representatives of the seventy-seventh General Assembly of the State of Illinois, that we warmly congratulate Rt. Rev. Monsignor John J. McGrath, who proudly points to his young formative years "back of the yards" in Chicago, for this well-deserved recognition being paid to him by this national organization of young people; and that a suitable copy of this preamble and resolution be forwarded to Monsignor McGrath.

FRENCH ACT ON FOREIGN AID: A STRIKING COMPARISON

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, at a time when our discussion on foreign assistance has been characterized by much heat and acrimony, it is interesting to note that the French National Assembly has approved the largest French foreign aid appropriation on record in what the Washington Post reported was, "an effortless exercise marked neither by formal debate or rollcall vote."

The article, by Jonathan C. Randal, which described this process and which appeared in the November 5 edition of the Post, notes—

From the extreme right to the extreme left, not a single question was asked in the National Assembly. . . . Far from being embarrassed, the officials left the impression that the budgetary imprecision reflected the lack of public opposition to continuing foreign aid.

The comparison of the actions of the Congress and the National Assembly on foreign assistance is quite striking. I am sure that my colleagues will find the following article interesting:

[From the Washington Post, Nov. 5, 1971]

RECORD AID BY FRANCE APPROVED

(By Jonathan C. Randal)

PARIS, November 4.—The National Assembly today formally approved the largest French foreign aid appropriation on record in an effortless exercise marked neither by formal debate or roll-call vote.

Foreign aid has become such an accepted part of French government practice that the 15 deputies still present after a long discussion of other foreign policy questions marked their approval by a show of hands.

From the extreme right to the extreme left, not a single question was asked in the National Assembly. It was probably just as well, for not a single official among the half-dozen questioned could estimate the total official aid budget for 1972.

Their inability was symptomatic of the French tradition of scattering various aid contributions among various ministries, the most important of which came under the foreign ministry budget which was approved in the vote.

Far from being embarrassed, the officials left the impression that the budgetary imprecision reflected the lack of public opposition to continuing foreign aid.

SECOND ONLY TO DUTCH

All those queried insisted that the global government effort was a record high. Together with private investment, France is second only to the Netherlands in relative foreign-aid generosity. Both nations' contributions are well above the United Nations goal which asks industrialized nations to devote 1 per cent of gross national product to aid.

Statistics provided by the Organization of Economic Cooperation and Development show that in 1970—the last year surveyed—total French aid amounted to $1.8 billion, representing 1.24 of the French GNP.

Government aid—much of it straight grants in France's case—amounted to .65 per cent of GNP, compared with a U.S. total

of .96 percent of the GNP. Less than a third of the American aid came from government funds.

France's performance is all the more astounding since apposition to foreign aid started earlier in France than elsewhere and still has a small, vocal coterie of devotees.

"CARTIERISM" OF 1950'S

Its once-powerful champion, Paris Match journalist Raymond Cartier, indeed lent his name to a doctrine, "Cartierism," which opposed foreign aid on the ground that France itself needed the hospitals, roads, schools and other social infrastructure that the government provided the underdeveloped world.

In the 1950s Cartierism reached its political zenith when it was incorporated into the ideological arsenal of those favoring rapid independence for France's expensive and far-flung empire.

Post-independence scandal in France's former colonies, involving misappropriation of funds, general waste and conspicuous prestige projects, gave Cartierism a new, but short-lived, fillip in the 1960s.

But not even the abrupt end of the special relationship between France and Algeria this year, marked by the nationalization of French oil interests in its former North African territory, sufficed to force a parliamentary debate at budget time.

MOST TO FORMER POSSESSIONS

Much of the government ease in winning parliamentary support for foreign aid is because nearly 86 per cent of the total goes to former French possessions which reciprocate in a number of ways.

French aid is "tied" to purchases of French equipment, the banking system of most recipient countries is still run by France and the former colonies bank their foreign-exchange reserves with the Bank of France.

Only once in the last decade has French foreign aid actually declined—in 1965. However, the increase in aid in the ensuing two years was so small that it represented an effective reduction given the inroads of inflation.

But in 1968 the aid budget increased by 28 per cent to make up for previous years, and since then annual increases have averaged more than 12 per cent.

A REALISTIC EXCHANGE RATE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the declaration by President Thieu that the accommodation rate for the exchange of the piaster would be raised to 400 to the dollar supports the contention which I made in debate at the time of the adoption of this year's foreign aid bill that the current exchange rates were unfair to the United States. It also indicates the complete unreliability of the certification on November 2 by Dr. John A. Hannah, Administrator of the Agency for International Development, the agent of the President, that the rate of 275 to the dollar was fair to the United States.

Unfortunately, the rate of 400 which is approximately the actual black market rate today will apply only to U.S. Government employees and GI's and not to U.S. Government transactions generally.

This development emphasizes the value of the Monagan amendment which was placed in the 1969 foreign aid bill and refined in the 1971 bill. Clearly the rate of 400 should be extended to all transactions between the United States and South Vietnam. In addition, the AID agency should take off the blinkers and make its certification conform to reality for the benefit of the sorely burdened U.S. Taxpayer.

FINCH'S LATIN AMERICAN JAUNT QUESTIONED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was disturbed to read recently that Robert H. Finch, counselor to President Nixon, was planning to leave on a trip to Latin America as a representative of the President in visits to six Latin American countries. My concern arises not from the fact that the President is showing some interest in this area of the world since consistent attention to its problems has been lacking in this administration. I am troubled because the gentleman from California is not one who has had the type of experience with Latin American countries and problems that is required for such a representative. Without a qualified person, a visit of the sort Mr. Finch plans will be simply cosmetic.

Nothing could be less understanding and less knowledgeable than Finch's characterization of the Kennedy and Johnson Latin American policy as "lumping the Latin American countries together as banana republics." While misguided and oversold in many ways, the Alliance for Progress and the Kennedy and Johnson choice of Ambassadors sought to differentiate between these varied countries and to give them understanding and knowledgeable representation.

Finch's "litmus paper test" approach to equal treatment of dictatorships and democratic governments also represents a peculiar and untraditional policy for the United States. While we might remain correct in our relations with dictatorships and renounce intervention in their affairs, that has not meant that we condoned repression of liberties, and this certainly has not been the policy of our Government whatever Mr. Finch's private opinions might be. I suggest that it would be desirable for the administration to use the abilities of Assistant Secretary Meyer in its contacts with Latin America, or if it is found desirable to go outside the regular State Department, to obtain the services and advice of the many experts on Latin America who are available. However knowledgeable Mr. Finch might be in the domestic affairs of the United States, his expertise in this area provides no qualification for the delicate mission which he has undertaken at a time when Latin American problems are receiving inadequate attention, and when signs of disintegration of our policy and deterioration of relations are everywhere apparent. The renewal of our policy and the restoration of traditional good relations should have a top priority. The proposed Finch trip is not adequate to achieve this objective.

DAMAGE IS SHOWING

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the time-worn practice of "repeating a story often enough in order to gain believers" has been at work once again and it is taking its toll. The community of Grand Junction, Colo., has been coping with a problem involving the disposition of uranium mill tailings. Despite the temptation to panic, that seems to be so popular with some segments of our citizenry, the people of Grand Junction have approached this problem in a most reasonable manner, seeking to find out all of the facts possible before making decisions.

There has already been too much oversimplification of this question and I do not want to add to it but, in the interest of time, let me describe the problem in this manner. We are seeking to determine what danger, if any, exists in the low level radiation arising from the uranium mill tailings that have been placed under buildings; what remedial methods are available to eliminate or reduce the radiation below the danger point; and we are trying to determine where the responsibility for paying the cost lies.

Time is needed to make these determinations, but in one important sense time has run out for the people of Grand Junction. This is very succinctly described in a recent editorial in the Grand Junction Daily Sentinel and I urge my colleagues to read it with care:

[From the Grand Junction (Colo.) Daily Sentinel, Nov. 5, 1971]

DAMAGE IS SHOWING

We agree with Congressman Wayne N. Aspinall that federal, state, medical and Atomic Energy officials must get together immediately and set guidelines to determine whether uranium tailings should or should not be removed from Mesa County homes and schools.

However, there was no action taken in the recent Washington hearings indicating that the AEC felt responsible for—or is going to take the lead in—decisions on removal. There was not even any indication that removal will be considered.

This is a blow to Mesa County. While it is true that it has not yet been established whether or not the tailings are a health hazard, it has been proven that their presence is damaging the community.

The health hazard is relevant to those whose health may be damaged. They need to have that question answered. Further, the community itself needs to be rid of the tailings hazard.

For two or three years, Grand Junction has been battered by TV shows, slick magazine stories, big-town newspaper headlines, and pseudo-expert commentators. Most of the stories have been distorted, twisted, unreliable and damaging.

Truth has become as irrelevant as it might in a case of a "haunted house." Belief that the house is evil will send it into disrepute. It will become unsalable and end in decay and ruin, regardless of the truth.

News media in Mesa County—and some others in Colorado—set the record straight; to emphasize that nothing has been proven, to point out that we are in no more danger (and probably considerably less) than residents of smog-ridden Denver or thousands

of children going to schools sitting on the San Andreas fault in California.

Nobody listens. Our people had they chosen to believe the scare stories, could have panicked. To their credit, they have remained calm. In this they have shown considerably more sense than residents of distant areas.

But the effect of those distant reactions is being felt in our community. It is beginning to cost the county in hard cash, in growth and development. While the truth of the tailings health hazard is not relevant to this particular threat, the threat is with us and growing.

Our people have believed:

1. That danger standards would be set by established authorities.

2. That those standards would be made public and remedial recommendations implemented where necessary.

3. That since Colorado has two men on the Joint Congressional Committee on Atomic Energy (JCAE), the commission would understand the urgency involved, would discover the truth and take action to remove danger promptly. And by danger, we mean danger to the image of the community as as well as danger to health.

Up to now, the people have held to these beliefs. But now there is very real, defensible concern both about the possible damage to health and the absolute, provable damage to the area's image.

That concern is coupled with a concern about the behind-the-scenes maneuverings of the AEC; with the continued delay in authoritative information; and with the charges that the recent JCAE subcommittee hearings were rigged.

Pious platitudes about environmental protection in construction of nuclear power plants or "the need for more information" about tailings in Grand Junction homes is not enough.

Residents of the area have been patient, but enough has become too much.

NASHVILLE—HOME OF COUNTRY AND WESTERN SOUND

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, for years, Nashville has been known for its music. It is the "home" of the country and western sound, the second largest recording center in the world, and the birthplace or new locale for some of America's greatest performing talent.

I now would like to bring to my colleagues' attention another Nashville "sound," a sound which sprang from Southern cottonfields as the Negro Gospel music, was adapted and transported worldwide by Nashville's Fisk University "Jubilee Singers," and will be heard in Washington December 2 when the Jubilee Singers perform in concert at Kennedy Center.

The singers, since 1871, have presented to every type of audience the deep human emotions—sorrow, joy, despair, confidence, failure, triumph—comprising the "soul" of spiritual music. They have touched the ears and hearts of European royalty and statesmen: Queen Victoria, King George and Queen Mary, Lady Astor, Gladstone, and Clemenceau to name a few. They have packed the music halls in Milan and Rome, played at the Salle Gaveau in Paris and Festival Hall in London. They have traveled to Holland, Scotland, Sweden, and Russia drawing great response to "Steal Away to Jesus," and in Germany sung the famous Lutheran hymn, "Praise God From Whom All Blessings Flow," in Martin Luther's own room at Wittenberg.

In the United States, there are few towns which have not been exposed to the Singers' moving Gospel strains. They have, to a great degree, contributed to the popularity of this music, and the acceptance of the Negro spiritual as a truly American musical form. They have also helped build Fisk, in early days providing concert funds to keep the school in operation, in later years using proceeds for construction of the new buildings and facilities required of a growing university.

That my colleagues and all Washingtonians will have the opportunity, the privilege of hearing this fine group is to me most pleasing. That the Kennedy Center, in its inaugural year, will host the Singers' centennial celebration seems most fitting.

And I urge every Member, both in this statement and in the "Dear Colleague" notice he will receive, to avail himself of this chance to hear what "Jubilee" is all about.

H.R. 3599—PROTECTING THE CITIZEN FROM "BIG BROTHERISM"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I wish to commend my colleague from Oregon, Congressman AL ULLMAN and the other sponsors of H.R. 3599, who have at great risk to their political images, introduced and fought for this bill to protect American citizens who own .22 caliber weapons from additional harassment by the agents of "Big Brother."

The bill in question is not one of those earth-shattering pieces of legislation about which there needs to be a "great debate." The measure before us is a simple snipping away of the redtape which has grown like a bad weed since the unfortunate passage of the Gun Control Act of 1968.

I believe it is well understood by most Members of the House that the 1968 law was a bad piece of work resulting from the national emotional binge following the Kennedy-King assassinations. That act has not cut down on the number of crimes committeed throughout the Nation. It has not made the streets any safer. It has not locked up the criminals who use guns. It has not brought about the domestic peace its advocates so loudly proclaimed. In fact, about the only thing the 1968 act has done is provide the Orewellian machinery for the constant harassment of millions of law-abiding American citizens who happen to own firearms.

H.R. 3599 adjusts this situation to some degree and I fully support the bill. But frankly, this is the piecemeal approach. The only way to end the useless and disgusting snooping into the lives of citizens by the agents of the Alcohol and Firearms Division of the Treasury Department is to repeal the Gun Control Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GALIFIANAKIS (at the request of Mr. BOGGS), for today, on account of official business.

Mr. MATHIAS of California (at the request of Mr. GERALD R. FORD), for November 15 through 19, on account of official business.

Mr. MCDONALD of Michigan (at the request of Mr. ANDERSON of Illinois), for today, on account of official business.

Mr. ROBERTS (at the request of Mr. TEAGUE of Texas), for November 15, on account of official business.

Mr. MIKVA (at the request of Mr. O'NEILL), for November 15 and balance of the week, on account of official business.

Mr. BARRETT (at the request of Mr. O'NEILL), for Monday, November 15, on account of illness.

Mr. MATHIS of Georgia (at the request of Mr. O'NEILL), for November 15, on account of official business.

Mr. DELLUMS (at the request of Mr. BOGGS), for today, on account of official business.

Mr. DANIELSON (at the request of Mr. BOGGS), for today, on account of official business—discussing current legislation before the North American Judges Association.

Mr. MITCHELL (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 45 minutes, today.

Mr. PATMAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SHOUP), to revise and extend their remarks, and to include extraneous matter:)

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. HOGAN, today, for 1 hour.

Mr. BUCHANAN, on November 18, for 1 hour.

Mr. STEIGER of Arizona, on November 17, for 1 hour.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and to include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. BURKE of Massachusetts, today, for 20 minutes.

Mr. ASPIN, today, for 20 minutes.

Mr. SHIPLEY, today, for 5 minutes.

Mr. GIBBONS, on November 17, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances, and to include extraneous matter.

Mr. SATTERFIELD, at the request of Mr. STAGGERS, to revise and extend his re-

marks following Mr. KYROS on the bill just passed.

(The following Members (at the request of Mr. SHOUP) and to include extraneous material:)

Mr. STEELE.
Mr. SCHERLE in 11 instances.
Mr. CONABLE.
Mr. DERWINSKI in two instances.
Mr. WHITEHURST.
Mr. LUJAN.
Mr. GROSS in two instances.
Mr. EDWARDS of Alabama.
Mr. JOHNSON of Pennsylvania.
Mr. DEVINE.
Mr. HUNT.
Mr. HOSMER in two instances.
Mr. DEL CLAWSON.
Mr. CHAMBERLAIN in two instances.
Mr. GUDE.
Mr. RIEGLE in two instances.
Mr. WYMAN in two instances.
Mr. PRICE of Texas.
Mr. BROOMFIELD.
Mr. PEYSER in five instances.
Mr. BROYHILL of Virginia in two instances.
Mr. BURKE of Florida.
Mr. CARTER in two instances.
Mr. KEMP.
Mr. STEIGER of Arizona.
Mr. SCHMITZ.
Mr. MCDONALD of Michigan.
Mr. MCCLORY.
Mr. HOGAN in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. HATHAWAY.
Mr. EVINS of Tennessee in two instances.
Mr. DINGELL.
Mrs. HANSEN of Washington in two instances.
Mr. HARRINGTON in three instances.
Mr. RODINO.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. WALDIE.
Mr. GONZALEZ in three instances.
Mr. GAYDOS in five instances.
Mr. BOGGS.
Mr. FRASER in two instances.
Mr. HICKS of Washington.
Mr. HAMILTON.
Mr. THOMPSON of New Jersey in two instances.
Mr. BEGICH in five instances.
Mrs. SULLIVAN in two instances.
Mr. JACOBS in three instances.
Mr. DOW in two instances.
Mr. HUNGATE in three instances.
Mr. PICKLE in three instances.
Mr. JOHNSON of California in two instances.
Mr. KOCH in three instances.
Mr. WOLFF.
Mr. PODELL in three instances.
Mr. EDMONDSON in two instances.
Mr. O'NEILL in five instances.
Mrs. HICKS of Massachusetts.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 16, 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:

1284. A communication from the President of the United States, transmitting a proposed budget amendment for the fiscal year 1972 for the Commission on the Organization of the Government of the District of Columbia (H. Doc. 92–174); to the Committee on Appropriations and ordered to be printed.

1285. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 72–5 relative to the furnishing of sophisticated weapons systems to various countries, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1286. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes; to the Committee on the Judiciary.

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. MILLS of Arkansas: Committee on Ways and Means. H.R. 7175. A bill to limit, in the case of certain vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, U.S. vessels in foreign countries; with amendment (Rept. No. 92–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 11186. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; with amendment (Rept. No. 92–669). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 11753. A bill for the relief of Assyrians; to the Committee on the Judiciary.

H.R. 11754. A bill to amend title 38 of the United States Code to exclude certain increases in benefits under the Social Security Act from consideration as income for the purpose of determining eligibility for pension under title 38, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADEMAS:

H.R. 11755. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 11756. A bill to amend the Occupational Safety and Health Act of 1970 to exempt retail lumber dealers, in States having laws regulating safety in the retail lumber business, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. GAYDOS:

H.R. 11757. A bill to amend the Fair Packaging and Labeling Act to provide that the commodity label required by that act must disclose the manufacturer's name and place of business, and packer's name and place of business if different from the manufacturer; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. ADDABBO, Mr. BOLAND, Mr. BURTON, Mr. DANIELS of New Jersey, Mr. DULSKI, Mr. GARMATZ, Mr. GUDE, Mrs. HANSEN of Washington, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. KEMP, Mr. KUYKENDALL, Mr. LENT, Mr. MANN, Mr. MCCLOSKEY, Mrs. MINK, Mr. MITCHELL, Mr. REID of New York, Mr. ROSENTHAL, Mr. SYMINGTON, Mr. WARE, Mr. CHARLES H. WILSON, and Mr. VEYSEY):

H.R. 11758. A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

By Mr. HALPERN (for himself, Mrs. GRIFFITHS, Mr. MCCOLLISTER, Mr. PRYOR of Arkansas, and Mr. ROY):

H.R. 11759. A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

By Mr. HARSHA:

H.R. 11760. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 11761. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 11762. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11763. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11764. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11765. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 11766. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. LANDRUM:

H.R. 11767. A bill to suspend the duties on fluorspar until the close of January 1, 1974; to the Committee on Ways and Means.

By Mr. MILLS of Maryland:

H.R. 11768. A bill to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Maryland, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 11769. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATTEN:

H.R. 11770. A bill to authorize grants and loan guarantees for construction or modernization of hospitals and other medical facilities in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHALLEY:

H.R. 11771. A bill to retain November 11, as Veterans' Day; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 11772. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 11773. A bill to amend section 135 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection; to the Committee on the District of Columbia.

By Mrs. MINK (for herself and Mr. MATSUNAGA):

H.R. 11774. A bill to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 11775. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE (for himself, Mr. HECHLER of West Virginia, Mr. MAZZOLI, Mr. WARE, Mr. WINN, Mr. HELSTOSKI, Mr. CLEVELAND, Mr. DERWINSKI, Mr. DENHOLM, Mrs. ABZUG, Mr. ANDERSON of Illinois, Mr. MIKVA, Mr. FORSYTHE, Mrs. GREEN of Oregon, Mr. ROBISON of New York, Mr. MCCOLLISTER, and Mr. MCCLORY):

H.R. 11776. A bill urging units and individual members of the armed services to engage in civic works; to the Committee on Armed Services.

By Mr. WHALEN:

H.R. 11777. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida (for himself and Mr. WINN):

H.J. Res. 968. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans' Day; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H. Con. Res. 458. Concurrent resolution accepting the gift of the "Centennial Safe" and expressing the thanks of the Congress to the late donor, Mrs. Charles F. Deihm, and authorizing its display in the Capitol to create interest in the forthcoming bicentennial; to the Committee on House Administration.

By Mr. RARICK:

H. Con. Res. 459. Concurrent resolution expressing the sense of Congress that no action should be taken on the part of the Federal Government, any State or political subdivision thereof that would remove the song "Dixie" from its proper place in the history of the United States and that region of the United States known as the South, or prohibit it from being played as a part of any public function or gathering; to the Committee on the Judiciary.

By Mr. HELSTOSKI (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. BURTON, Mr. CORMAN, Mr. DELLUMS, Mr. DRINAN, Mr. FORSYTHE, Mr. GREEN of Pennsylvania, Mr. HALPERN, Mr. HARRINGTON, Mr. LEGGETT, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. RYAN, Mr. SISK, and Mr. THOMPSON of New Jersey):

H. Res. 705. Resolution expressing the sense of the House of Representatives relative to the Pakistani civil war and the furnishing of relief assistance to persons affected by it; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

282. The SPEAKER presented a memorial of the Legislature of the State of California, relative to establishment of national cemeteries; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 11778. A bill for the relief of Thomas G. Jolley; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 11779. A bill for the relief of George Nicolaros; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 11780. A bill for the relief of Thomas G. Jolley; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 11781. A bill for the relief of Esther Nano Ramos; to the Committee on the Judiciary.

SENATE—*Monday, November 15, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The PRESIDENT pro tempore. The Senate will be led in prayer today by the guest Chaplain, the Reverend W. Benjamin Holmes, rector of the Church of St. Martin-in-the-Fields, at Philadelphia, Pa., which happens to be the home church of our good friend the Senator from Pennsylvania (Mr. SCOTT).

PRAYER

The Reverend W. Benjamin Holmes offered the following prayer:

Almighty God, whose perfect will for mankind is made known through the imperfect councils of men, we praise Thee for instruments of government whereby the impoverished are fed and sheltered, the young are educated, the sick are healed, the trespassers find justice and mercy, and the complexities of contemporary life are interwoven so that we may live in some peace and our self-interests find some reasonable compromise.

We thank Thee for these Thy servants and for those who assist and enable them to do their work, for their willingness to leave family and hearth, for their readiness to listen to each other, their ability to discern the possible in the midst of chaos and confusion of conflicting interests and, above all, for their private vision of life in this Nation.

Bless them in the use of their power, comfort them in their moments of cynicism, doubt, and loneliness, accept their limitations, forgive them their inadequacies, restore constantly, we beseech Thee, the stream of hope in their fellow men that we so deplenish by the hostility, callousness, and selfishness that we express to them.

Above all, O Lord, grant the Members of this council the knowledge that they are Thy chosen servants to bring Thy kingdom on earth. Amen.

Mr. SCOTT. Mr. President, it is a great privilege to welcome as our visiting Chaplain, the Reverend W. Benjamin Holmes, rector of the Church of St. Martin-in-the-Fields at Philadelphia, Pa., as that is my home church—as the President pro tempore just noted.

The church was established by members of the Houston and Woodward families a good many years ago. It is a beautiful church in the English style, in a quiet and pleasant community.

Dr. Holmes became rector some 4 years ago. Before that, I had the honor to serve on the vestry of St. Martin-in-the-Fields. So it is a great pleasure to note this occasion and to welcome him here. Since I have so few opportunities to return to Philadelphia, I am very glad that my rector was able to come down here to pray over all of us—but especially to one who needs it the most; namely, myself.

Mr. President, I am happy now to yield to my distinguished colleague, Mr. SCHWEIKER.

Mr. SCHWEIKER. Mr. President, I thank my senior colleague for yielding to me. I am delighted to join him in honoring the Reverend Holmes for offering the opening prayer of the Senate this morning. It is quite fitting and proper that we have the rector of the home church of my distinguished colleague from Pennsylvania, who is also the Republican leader on this side of the aisle.

I am delighted to join in tribute to the Reverend Holmes for offering the prayer this morning.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of proceedings of Saturday, November 13, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees