

the bill under the terms of the unanimous-consent agreement. Of course, there can be unanimous-consent requests propounded during those hours. But it only takes an objection, as the Senator knows, to reject such requests.

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. The period for the transaction of morning business is closed.

#### RECESS TO 9 A.M.

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

The motion was agreed to; and (at 9 o'clock and 26 p.m.) the Senate took a recess until tomorrow, Friday, December 3, 1971, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate December 2 (legislative day of November 29) 1971:

##### AMBASSADOR

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

##### U.S. DISTRICT COURTS

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut, vice William H. Timbers, elevated.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Julius J. Hoffman, retiring.

Arnold Bauman, of New York, to be U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

##### U.S. DISTRICT COURTS

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, vice Richard E. Robinson, retiring.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate December 2 (legislative day of November 29) 1971:

##### DEPARTMENT OF AGRICULTURE

Earl Lauer Butz, of Indiana, to be Secretary of Agriculture.

##### U.S. DISTRICT COURTS

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington.

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California.

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia.

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

##### U.S. COURT OF CLAIMS

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims. Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims.

##### DEPARTMENT OF JUSTICE

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years.

## HOUSE OF REPRESENTATIVES—Thursday, December 2, 1971

The House met at 11 o'clock a.m.

Rev. W. Michael Nobles, the Methodist Church, Middleburg, Va., offered the following prayer:

Almighty God, Thou who art the judge of all nations, come nearer to us than we have ever known and stay with us throughout this day.

When we are faced with choices and decisions, help us to see things from Thy viewpoint, that we may see things as they really are. When our wisdom fails us, give us Thine, that we may choose that which is right.

Father, we come to Thee in the faith that Thou dost have a plan for America. O God, may Thy spirit protect our dear land. In mercy assist her to faithfully stand for justice and honor through all of her days; one people united to serve Thee in praise.

This we ask in Jesus' name. Amen.

#### THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1483) entitled "An act to further provide for the farmer-owned coopera-

tive system of making credit available to farmers and ranchers and their co-operatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 18) entitled "An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULLERIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HART, Mr. HARTKE, Mr. JORDAN of North Carolina, Mr. CANNON, Mr. PELL, Mr. BAKER, Mr. COOK, Mr. STEVENS, and Mr. SCOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter

into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

#### TRIBUTE TO REV. W. MICHAEL NOBLES

Mr. SCOTT. Mr. Speaker, our Chaplain was most kind to permit the Reverend W. Michael Nobles, pastor of the Middleburg, Va., United Methodist Church, to open today's session with prayer.

I have known Reverend Nobles for a number of years. He has served pastorates in both North Carolina and Virginia and has been a member of the Virginia conference of our church since 1964.

A native of Greenville, N.C., our visiting chaplain received his bachelor of science degree from Richmond Professional Institute and his master of divinity degree from Duke University.

An active citizen of the communities in which he has had pastorates, Reverend Nobles last year was selected as one of America's outstanding young men by the U.S. Jaycees. He had formerly been honored by the Beaverdam, Va., Ruritan Club with its "Man of the Year" award for service to that community.

Reverend Nobles, of course, is active in all phases of the work of his church and serves as scoutmaster of Middleburg Troop 953, on the board of direc-

tors of the Fauquier-Loudoun Day Care Association and the Northern Virginia Board of Missions.

He has written a number of songs, the last of which is "How Blest Is the Nation Whose God Is the Lord." Mr. Speaker, I wish that more within the ministry would attempt to associate their religious life with the life of our Nation. In my opinion, it would add to the spiritual life of our country and be of material help to both the church and the Nation. I insert the full text of the song in the RECORD at this point so that the membership will have insight into the character of the man who has offered our opening prayer today:

HOW BLEST IS THE NATION WHOSE GOD  
IS THE LORD

(By W. Michael Nobles, 1971)

1. How blest is the nation whose God is the Lord,

By whom the Almighty is ever adored;  
Her people shall flourish, her freedom endure,  
For God in His wisdom will keep her secure.  
2. O God, may Thy Spirit protect our dear land,

In mercy assist her to faithfully stand  
For justice and honor through all of her days,  
One people united to serve Thee in praise.  
3. Without Thee to guide her our nation is lost;

O help her to follow whatever the cost.  
Sustain her with grace to obey Thy commands;

Dear God, give her courage to meet life's demands.

4. All glory and honor we give unto Thee  
For making our nation the land of the free;  
With true adoration we sing in accord  
How blest is the nation whose God is the Lord! Amen.

NOTE.—This anonymous hymn tune was popular during the early years of our Nation's history. It had its origin in the South and probably should be classified as a Negro spiritual. The melody gets its name, Foundation, from the hymn, "How Firm a Foundation," which is often sung to it. This tune was a favorite of Gen. Robert E. Lee and "How Firm a Foundation" was sung to it at his funeral.

#### CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 423]

Abbitt	Derwinski	Kee
Abourezk	Diggs	Keith
Alexander	Dowdy	Landrum
Anderson, Ill.	Edwards, La.	McClure
Anderson,	Eilberg	McKevitt
Tenn.	Evins, Tenn.	Macdonald,
Andrews, Ala.	Findley	Mass.
Belcher	Flynt	Metcalfe
Blatnik	Foley	Pike
Boland	Ford, Gerald R.	Powell
Broyhill, Va.	Fraser	Pucinski
Burton	Fulton, Tenn.	Rallsback
Byrne, Pa.	Gallagher	Reid, N.Y.
Cabell	Gray	Riegle
Celler	Gubser	Roberts
Chisholm	Hagan	Rodino
Clark	Harrington	Roe
Clay	Harsha	Rooney, N.Y.
Collins, Ill.	Hébert	Rosenthal
Davis, S.C.	Holifield	Rostenkowski
Dellums	Jonas	Sandman

Scheuer  
Seiberling  
Sikes

Springer  
Steed  
Stuckey

Vanik  
Wright  
Wyatt

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

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

#### EXCUSING OF CONFEREES AND APPOINTMENT OF CONFEREES ON H.R. 11341, DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi (Mr. ABERNETHY) may be excused as a manager on the part of the House at the conference on the bill H.R. 11341, and that the Speaker be authorized to appoint another Member to fill the vacancy.

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

There was no objection.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the bill (H.R. 11341) the gentleman from Georgia (Mr. STUCKEY) to fill the existing vacancy thereon.

The Clerk will notify the Senate of the action of the House.

#### PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 10384 UNTIL MIDNIGHT FRIDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, December 3, 1971, to file a report on the bill (H.R. 10384) to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k—460k-4), to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior.

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

There was no objection.

#### COMPENSATION OF STAFF OF CORPORATION FOR PUBLIC BROADCASTING

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

Mr. KEITH. Mr. Speaker, it has been reliably and consistently reported in recent days that the Corporation for Public Broadcasting has declined to release information to the public, and in particular to the Congress, as to the compensation of its staff.

This attitude is contrary to the traditions of all public agencies. It is particularly abhorrent to find it in the agency which should be most dedicated to the dissemination of truth.

By withholding such knowledge it creates suspicion, not only as to salaries, but as to the character of its operations.

As senior minority member of the House Communications and Power Subcommittee, I would be derelict in my duty if I did not demand that the Public Broadcasting Corporation immediately open its records to the public. The best way to dispell the clouds of concern that are spreading in the press and throughout the Congress is for them to meet with the press, and deal with them openly and in keeping with the traditions of press and the broadcasting industry of which they are a part. They should do so with the least practicable delay.

As for my role, I have today asked the chairman of the full Committee on Interstate and Foreign Commerce to authorize hearings on the part of the subcommittee in order that all pertinent data may be revealed, and I have sent a telegram to Public Broadcasting Corporation President, John W. Macy, Jr., advising him of my concern. I have asked him to open to the public the Corporation record particularly those related to the salaries of its officers and staff.

Mr. Speaker, the success of the Public Broadcasting Corporation, and its approval by the Congress, depends upon the fullness and the content of its response to public inquiry, and upon the records accordingly revealed.

Public Broadcasting is designed, at public expense, to serve the public need and the public interest. Anything less than full disclosure on all matters would be contrary to the purpose and mandate.

#### DOCK STRIKE AFFECTS TENNESSEE FARMERS

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

Mr. BAKER. Mr. Speaker, Tennessee farmers are sick of dock strikes and other work stoppages which so directly affect their farm income.

Last year, Tennessee farmers estimate their share of the total U.S. agricultural exports was \$112.2 million. As you know, we had a national record last year of \$7.8 billion. About \$6.7 billion of that was for dollar sales.

In a time when we are trying to improve the value of the dollar internationally—and at a time when the one bright spot in our international balance of payments is the agricultural export figure—it seems shortsighted in the extreme to permit labor-management disputes in the national transportation system to threaten the health of our export trade.

Tennessee farmers last year exported \$31.5 million worth of soybeans, \$18.9 million worth of cotton, \$13.7 million worth of tobacco, \$5.9 million worth of wheat and flour, and \$9.8 million worth of protein meal.

They need these markets. They are an important part of farm income in Tennessee.

Gulf and east coast strikes are costing corn and soybean growers between \$75 and \$100 million a week in export sales.

The President is using the legal tools at his command to help solve this national problem, but legislation must be enacted which would provide a more



permanent solution. We cannot continue any longer to deal with these national emergencies on an ad hoc basis.

That is why I strongly urge that we dust off and consider as early as possible H.R. 2373, to provide for the establishment of a U.S. Court of Labor-Management Relations. We must find an equitable way of dealing with labor-management disputes which affect the national transportation industry.

#### LABOR-MANAGEMENT DISPUTES IN TRANSPORTATION SYSTEM

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

Mr. GOODLING. Mr. Speaker, how long will we continue to permit labor-management disputes in the transportation system of the United States to threaten the economic well-being of the Nation?

Farmers in Pennsylvania and across the Nation cannot long survive a situation that affects them and their livelihood so directly.

We must rise up in the Congress to enact the kind of legislation that will allow the goods of this Nation to keep moving despite the dock strikes and other transportation tieups that come from labor-management disputes.

The Pennsylvania farmers' share of our national exports in fiscal year 1971 was \$53.1 million. Pennsylvania farmers were among the top 10 in export value of their dairy products and tobacco. Feed grain producers in Pennsylvania exported \$11.7 million worth of corn and other feed grains. We are not a major wheat State, yet we exported \$7.9 million worth of wheat as our share of the total \$7.8 billion worth of U.S. farm exports in fiscal 1971.

Mr. Speaker, I call on my colleagues to help get immediate consideration and action on H.R. 3596, the administration-backed bill which would provide an effective means of protecting the interests of farmers and the public in national emergency disputes involving the transportation industry.

#### DOCK STRIKE AFFECTS WISCONSIN AGRICULTURE

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

Mr. THOMSON of Wisconsin. Mr. Speaker, not long ago Secretary of Labor J. D. Hodgson, speaking at a fund-raising rally in Des Moines, Iowa, commented on the dock strike situation:

Nowhere have these strikes hurt more than right here in the Midwest. When shipping is throttled, whether on our coasts or our railroads, the farm country gets hit hardest. Corn piled up in back lots, wheat piled on town streets, soybeans filling box cars on every siding, barges not moving on the river—it's got to stop.

Mr. Speaker, that is a very graphic, and very moving, description of what is happening right now in the Midwest.

Statistically, it translates into a 15-cent bushel loss on corn.

Feed grain farmers see their profits disappearing and getting smaller each day that the strike—or threat of a strike—continues. Ships lie idle along the coasts of our Nation. Loaded barges are anchored in our ports and on our rivers, unable to move. Elevators and terminal storage facilities are loaded and back of all this idleness is the farmer who sees the posted price of his feed grains moving steadily downward.

Mr. Speaker, last year the Wisconsin share of farm exports was \$87.6 million. The principal crops that were included in our exports were tobacco, hides and skins, dairy products, feed grains, and wheat.

We need the income from those exports. We cannot afford to lose over \$87 million in farm income—or even a portion of that amount—because of labor-management disputes at port facilities.

Therefore, I urge immediate consideration of effective legislation to protect farmers and consumers during labor-management disputes that affect our national transportation system.

#### FLORIDA ANTIBUSING VOTE

(Mr. YOUNG of Florida asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I always thought the people of the United States made the final decision in any matter regarding their Government. I will bet every Member of this House thought the same thing. But I read an article in the Washington Post this morning relating to a vote for the people in Duval County in my State of Florida. I want to take a second to read into the RECORD what that news story says. Disregard the headline, because it does not indicate what the story is about.

#### FLORIDA ANTIBUSING VOTE BEHIND

JACKSONVILLE, FLA., December 1.—Seconds after Duval County voters overwhelmingly approved an antibusing amendment Tuesday, a federal judge voided their decision.

The proposal to prohibit the expenditure of local or state money for busing children to achieve racial balance in schools passed 33,513 to 8,899.

However, one minute after the vote was certified, an order signed by U.S. District Court Judge Gerald Tjoflat was handed to elections supervisor, Harry Nearling, declaring the vote null and void.

School Superintendent Dr. Cecil Hardesty said the amendment was in direct conflict with federal court-ordered busing.

So, if you thought, like I did, that the people have the final say in our Government, maybe after this we are going to begin to question.

#### A LOOK NEEDS TO BE TAKEN AT SOME OF THE FEDERAL JUDGES AND SOME OF THEIR DECISIONS

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

Mr. THOMPSON of Georgia. Mr.

Speaker, I would like to commend the gentleman from Florida (Mr. YOUNG) for bringing this point to the attention of the House.

You know, Abraham Lincoln in February 1865 said the people are the rightful masters not only of the Congress but of the courts, not to overthrow the Constitution, but to throw out those who would subvert the Constitution.

Mr. Speaker, I think we need to take a look at some of these Federal judges and some of the decisions they are making. They are stretching the Constitution beyond all reasonable bounds. This is true not only in the area of school busing but in the area of attempting to achieve racial balance in our communities by forcing upon our taxpayers low-income housing in areas where they do not want it and which destroys the property values of those areas.

I submit, Mr. Speaker, that we need to take a close look at the actions of some of these judges to determine to what extent they are exceeding their authority if in fact they are. If it is determined that a Federal judge has intentionally exceeded his authority through a blatant intrusion into the legislative or executive field—then impeachment proceedings should proceed to remove him from office.

#### OPERATION NOEL

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

Mr. SCHMITZ. Mr. Speaker, we all have a different view on the Vietnam war, but there is one phase of that conflict that we ought to be united in its support, and that is expressing our sympathy and appreciation for those of our servicemen who have been wounded in action.

Mr. Speaker, on December 8, between 6 and 10 o'clock in the evening, in the Longworth Cafeteria, what is rapidly becoming an established tradition will take place; namely, "Operation Noël." I am proud of my two staff members who are officers of Operation Noël, Inc., and I am sure many of you have staff members who are working with them in behalf of this very Christian endeavor, and I know that many Members of the House have themselves been cooperating.

I would like to take this opportunity, regardless of whether you want to win, lose, or draw in Vietnam, to say we all ought to cooperate with "Operation Noël" and on December 8 arrange to drop by the Longworth Cafeteria, even if we can only stay a brief time, to show these veterans that elected officials of our Government remember them, and to say to them, "Merry Christmas."

#### AN IMPORTANT INDICATOR OF ECONOMIC DEVELOPMENTS

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

Mr. ARENDS. Mr. Speaker, one of the most important indicators of economic

developments has just given a strong signal of a vigorous economic recovery underway. According to a survey of plans to invest in new plant and equipment, taken by the Department of Commerce and the SEC, in October and November, business plans a large increase in such investment. The increase from the first half of 1971 to the first half of 1972 would be 9.1 percent. The increase from the second half of 1971 to the first half of 1972 would be at an annual rate of 13.6 percent. These figures were made public this morning.

The increase in investment expenditures that businessmen are planning will itself give a big lift to the economy. It is also evidence of growing confidence in the economic future. This confidence has already been shown by consumers in the form of expanding retail sales. It is now being shown by businessmen in the form of increased investment plans.

This strengthening of business confidence came despite the inevitable uncertainties of the transition from phase I to phase II and despite the uncertain state of the tax legislation. As these uncertainties are resolved confidence will rise further and so will investment plans. Congress can do its part to bring this about by prompt enactment of a tax bill freed of irrelevancies and by passage of the needed phase II legislation.

#### DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. Davis) and myself.

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

There was no objection.

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

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, answered "present" 1, not voting 50, as follows:

[Roll No. 424]

YEAS—380

Abernethy	Dorn	Kuykendall
Abourezk	Dow	Kyl
Abzug	Downing	Kyros
Adams	Drinan	Landgrebe
Addabbo	Dulski	Latta
Anderson,	Duncan	Leggett
Calif.	du Pont	Lennon
Andrews,	Dwyer	Lent
N. Dak.	Eckhardt	Link
Annunzio	Edmondson	Lloyd
Archer	Edwards, Ala.	Long, La.
Arends	Edwards, Calif.	Long, Md.
Ashbrook	Erlenborn	Lujan
Ashley	Eshleman	McClary
Aspin	Evans, Colo.	McCloskey
Aspinall	Fascell	McCollister
Badillo	Fish	McCormack
Baker	Fisher	McCulloch
Baring	Flood	McDade
Barrett	Flowers	McDonald,
Begich	Foley	Mich.
Bell	Ford,	McEwen
Bennett	William D.	McFall
Bergland	Forsythe	McKay
Betts	Fountain	McKevitt
Biaggi	Fraser	McKinney
Blagel	Frelinghuysen	Macdonald,
Blester	Frenzel	Mass.
Bingham	Frey	Madden
Blackburn	Fuqua	Mahon
Blanton	Galifianakis	Mailliard
Boggs	Gallagher	Mann
Boland	Garmatz	Martin
Bolling	Gaydos	Mathias, Calif.
Bow	Gettys	Mathis, Ga.
Brademas	Gialmo	Matsunaga
Brasco	Gibbons	Mayne
Bray	Goldwater	Mazzoli
Brinkley	Gonzalez	Meeds
Brooks	Goodling	Melcher
Broomfield	Grasso	Michel
Brotzman	Green, Oreg.	Mikva
Brown, Mich.	Green, Pa.	Miller, Calif.
Brown, Ohio	Griffin	Miller, Ohio
Broyhill, N.C.	Griffiths	Mills, Ark.
Broyhill, Va.	Gross	Mills, Md.
Buchanan	Grover	Minish
Burke, Fla.	Gude	Mink
Burke, Mass.	Haley	Minshall
Burleson, Tex.	Hall	Mitchell
Burlison, Mo.	Halpern	Mizell
Byrnes, Wis.	Hamilton	Mollohan
Byron	Hammer-	Monagan
Cabell	schmidt	Montgomery
Caffery	Hanley	Moorhead
Camp	Hanna	Morgan
Carey, N.Y.	Hansen, Idaho	Morse
Carney	Hansen, Wash.	Mosher
Carter	Harsha	Moss
Casey, Tex.	Harvey	Murphy, N.Y.
Cederberg	Hastings	Myers
Chamberlain	Hathaway	Natcher
Chappell	Hawkins	Nedzi
Chisholm	Hays	Nelsen
Clancy	Hechler, W. Va.	Nichols
Clark	Heckler, Mass.	Nix
Clausen,	Heinz	Obey
Don H.	Helstoski	O'Hara
Clawson, Del	Henderson	O'Konski
Clay	Hicks, Mass.	O'Neill
Cleveland	Hicks, Wash.	Passman
Collier	Hillis	Patman
Collins, Tex.	Hogan	Patten
Colmer	Horton	Pelly
Conable	Hosmer	Perkins
Conte	Howard	Pettis
Conyers	Hull	Peyser
Corman	Hungate	Pickle
Cotter	Hunt	Pike
Coughlin	Hutchinson	Pirnie
Crane	Ichord	Poage
Culver	Jacobs	Podell
Daniel, Va.	Jarman	Poff
Daniels, N.J.	Johnson, Calif.	Powell
Danielson	Johnson, Pa.	Preyer, N.C.
Davis, Ga.	Jonas	Price, Ill.
Davis, Wis.	Jones, N.C.	Price, Tex.
de la Garza	Jones, Tenn.	Pryor, Ark.
Delaney	Karh	Purcell
Dellenback	Kastenmeier	Quile
Dellums	Kazen	Quillen
Denholm	Keating	Randall
Dennis	Kee	Rangel
Dent	Keith	Rarick
Devine	Kemp	Rees
Dickinson	King	Reid, N.Y.
Dingell	Kluczynski	Reuss
Donohue	Koch	Rhodes

Robinson, Va.	Slack	Van Deerlin
Robison, N.Y.	Smith, Iowa	Vander Jagt
Roe	Smith, N.Y.	Vanik
Rogers	Snyder	Veysey
Roncallo	Spence	Vigorito
Rooney, N.Y.	Staggers	Waggonner
Rooney, Pa.	Stanton,	Waldie
Rosenthal	J. William	Wampler
Roush	Stanton,	Ware
Rousselot	James V.	Whalen
Roy	Steele	Whalley
Roybal	Steiger, Ariz.	White
Runnels	Steiger, Wis.	Whitehurst
Ruppe	Stephens	Whitten
Ruth	Stokes	Widnall
Ryan	Stratton	Wiggins
St Germain	Stubblefield	Williams
Satterfield	Stuckey	Wilson, Bob
Saylor	Sullivan	Wilson,
Scherle	Symington	Charles H.
Scheuer	Talcott	Winn
Schmitz	Taylor	Wolf
Schneebell	Teague, Calif.	Wyatt
Schwengel	Teague, Tex.	Wylder
Scott	Terry	Wyle
Sebelius	Thompson, Ga.	Yates
Seiberling	Thompson, N.J.	Yatron
Shipley	Thomson, Wis.	Young, Fla.
Shoup	Thone	Young, Tex.
Shriver	Tieman	Zablocki
Sisk	Udall	Zion
Skubitz	Ullman	Zwach

NAYS—0

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—50

Abbutt	Ellberg	Murphy, Ill.
Alexander	Esch	Pepper
Anderson, Ill.	Evins, Tenn.	Pucinski
Anderson,	Findley	Rallsback
Tenn.	Flynt	Riegle
Andrews, Ala.	Ford, Gerald R.	Roberts
Belcher	Fulton, Tenn.	Rodino
Blatnik	Gray	Rostenkowski
Burton	Gubser	Sandman
Byrne, Pa.	Hagan	Sarbanes
Celler	Hébert	Sikes
Collins, Ill.	Hollifield	Smith, Calif.
Davis, S.C.	Jones, Ala.	Springer
Derwinski	Landrum	Steed
Diggs	McClure	Wright
Dowdy	McMillan	Wyman
Edwards, La.	Metcalfe	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11932, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. Davis) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1972.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct honor for me to serve with Mr. DAVIS of Wisconsin; Mr. GIAIMO, of Connecticut; Mr. SCHERLE, of Iowa; Mr. PRYOR of Arkansas; Mr. McEWEN, of New York; Mr. OBEY, of Wisconsin; Mr.



MYERS, of Indiana; Mr. STOKES, of Ohio; and Mr. McKAY, of Utah. All of these gentlemen are outstanding Members of the House of Representatives.

For the eighth consecutive year, the Congress has been presented a budget for the District of Columbia that is out of balance. The budget as presented was out of balance \$90,300,000.

A total of \$901,476,700 is recommended for fiscal year 1972 which is \$143,805,000 less than requested and \$194,305,138 above 1971 appropriations. The budget estimates considered total \$1,045,281,700.

The District of Columbia budget submitted for approval at this time is the largest budget ever recommended for the District of Columbia. The total of \$901,476,700 when added to the Federal grants which will be available to the District of Columbia totaling \$267,997,000 will be \$1,169,473,700.

The 1970 census shows the population of the District of Columbia as 757,000. This total has dropped, according to projection, to 741,000 at this time. With only 741,000 people certainly the total amount of money to be used during the fiscal year 1972 of \$1,169,473,700 is more than adequate.

The District of Columbia is financed out of five funds: A general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

Our committee recommends a Federal payment of \$162 million to the general fund to help defray expenses of the Capital City and \$4,086,000 to the water and sanitary sewage works funds as a payment for water and sewer services rendered the Federal agencies. The sum of \$131 million was appropriated for the Federal payment for fiscal year 1971. The Federal payment 10 years ago was \$30 million and today we are recommending \$162 million. The Federal payment for fiscal year 1967 was \$70 million. In addition to the Federal payment we have Federal grants which will be received by the District of Columbia totaling \$267,997,000. A summary of the Federal grant assistance to the District of Columbia appears on page 5 of our report and this amount is not a part of the budget for fiscal year 1972 which was presented to our committee. The grants set forth represent funds which are used in the different departments of the District government on the same basis as funds used by the 50 States which are carried under the basic legislation authorizing such money.

The amount of the Federal payment authorized under the revenue bill for fiscal year 1972 which passed the House several days ago totals \$170 million. The amount that we recommend of \$162 million is \$8 million less than the amount authorized in the House bill.

For "General operating expenses" the amount requested was \$60,997,000 and the amount we recommend is \$58,860,000. This is \$3,509,265 more than the amount appropriated for fiscal year 1971 and \$2,137,000 less than the amount requested.

For "Public safety" the amount requested was \$174,177,000 and the amount we recommend is \$169,167,000. This is

\$6,061,000 more than the amount appropriated for fiscal year 1971 and \$5,010,000 less than the amount requested.

For "Education" the amount requested is \$178,558,000 and the amount we recommend is \$166,970,000. This is \$5,242,200 more than the amount appropriated for fiscal year 1971 and \$11,588,000 less than the amount requested.

For "Recreation" the amount requested is \$12,826,000 and we recommend \$12,658,000. This is \$884,400 more than the amount appropriated for fiscal year 1971 and \$168,000 less than the amount requested.

For "Human resources" the amount requested was \$206,962,000 and the amount we recommend is \$181,378,000. This is \$12,807,100 more than the amount appropriated for fiscal year 1971 and \$25,584,000 less than the amount requested.

For "Highways and traffic" the sum of \$21,359,000 was requested and we recommend \$20,500,000. This is \$489,000 less than the amount appropriated for fiscal year 1971 and \$859,000 less than the amount requested.

For "Sanitary engineering" the sum of \$40,700,000 was requested and we recommend \$39,505,000. This is \$444,500 more than the amount appropriated for fiscal year 1971 and \$1,195,000 less than the amount requested.

For "Settlement of claims and suits" the amount requested was \$23,000 and we recommend the amount requested.

For total "Operating expenses" we recommend the sum of \$649,061,000. This is \$46,541,000 less than the amount requested and \$28,436,831 more than the amount appropriated for fiscal year 1971.

For "Capital outlay" the amount requested was \$326,106,000. We recommend the sum of \$228,842,000 which is \$157,857,607 more than the amount appropriated for fiscal year 1971 and \$97,264,000 less than the amount requested.

The committee recommends total "Loan" appropriations of \$29,600,000 which is a reduction of \$73,486,000 in the amount requested.

The committee recommends a total of 39,619 employees in permanent authorized positions, which is in conformity with the restrictions on employment in the District of Columbia Revenue Act of 1971 as passed by the House. The budget proposed 1,743 new positions. The committee is recommending a total of 264 new positions for staffing new facilities to be opened during the fiscal year. In order to remain within the total figure set by the revenue bill of 1971 the staffing for new facilities positions only can be approved at this time.

The sum of \$3,209,800 is recommended for the operating expenses for the District of Columbia Teachers College for fiscal year 1972. This is \$124,600 less than the amount requested and \$224,600 more than the amount appropriated for fiscal year 1971.

An appropriation of \$15,813,400 is recommended for fiscal year 1972 for the Federal City College. This is \$4,402,900 below the requested amount and \$2,705,650 above the 1971 level.

For the Washington Technical Institute we recommend for operating ex-

penses in fiscal year 1972 the sum of \$6,999,100. This is an increase of \$1,279,250 over the amount appropriated for fiscal year 1971.

For "Capital outlay" we recommend the sum of \$228,842,000 for fiscal year 1972. For "Public schools" we have 24 projects, totaling \$74,118,400. Every project requested was approved and the deletions were the results of funds volunteered.

For the Public Library we recommend \$2,239,000. For the Recreation Department we recommend \$7,579,200. For the Police Department we recommend \$4,899,800. For the Fire Department we recommend \$1,459,000. For "Human resources" we recommend \$11,558,000. For the Department of Corrections we recommend \$5,361,500. We do not recommend the amount requested of \$72,486,000 for "Regional rapid rail transit." For the Department of Highways and Traffic we recommend \$8,880,000. For the Department of Sanitary Engineering we recommend \$94,265,000. For the Washington aqueduct we recommend \$2,295,000.

For capital outlay for the Federal City College the committee recommends \$302,500 for repair and improvements to temporary facilities. The requests for "Furniture and equipment for all temporary facilities," \$1,800,000, and "Renovations to newly leased facilities," \$1,430,000, have been denied. Previous appropriations for these two projects total \$4,280,000, of which over \$1,900,000 remains unobligated.

For capital outlay for the Washington Technical Institute our committee recommends approval of the \$13,760,000 requested; \$13,620,000 is for the permanent campus and \$140,000 is for equipment.

For capital outlay for the District of Columbia Teachers College the committee recommends approval of the four projects requested. The amount recommended is \$1,131,700.

Under "Capital outlay" for the Department of Highways and Traffic we recommend an additional amount over and above the amount requested for repair of our streets. The generally poor condition of the city streets is evident to all who use them. The committee was unable to provide any funds in the regular 1971 bill for street repairs, due to the lack of loan authority and revenue in the highway fund. At the request of the committee, the Director of Highways and Traffic developed an estimate of how much additional money could be utilized to put the District streets in reasonable repair. An estimate of \$2,800,000 was provided and the committee has included this amount for this purpose and we recommend this amount to the House.

There is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-to-day growth of traffic the highway program must be carried out along with the present rapid rail transit system that is now under construction. We must have a balanced system of transportation consisting of highways, express buses, and rapid rail transit.

In 1955 the Washington metropolitan area transportation study was started by

the highway departments of Maryland, Virginia, and the District of Columbia. Our committee recommended that \$561,000 be appropriated for the District's share of the cost for this study. After a 4-year study the mass transportation survey was completed and forwarded to the President of the United States. The survey recommended a balanced system of transportation consisting of rapid rail transit, express buses, and highways.

There were 13 elements composing the freeway program in the District of Columbia. On September 15, 1955, the Commissioner of Public Roads, pursuant to the Highway Act, distributed urban mileage. At this time the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with the highway legislation. The freeway projects for the District of Columbia, agreed upon at that time, are as follows:

First. Northeast Freeway. By the way they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The North-Central Freeway, six studies have been made.

Third. Palisades Parkway, six studies.

Fourth. Three Sisters Bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River Freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-North Central Freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

All of these projects were selected by the officials of the District of Columbia. None were selected by the Bureau of Public Roads, the Public Works Committee in the House or the Senate, or the Appropriations Committee in the House or the Senate. Since these projects were selected there have been 82 studies made at a cost of over \$20 million.

We began appropriating for this freeway program in the year 1958 and over \$200 million is now available in Federal and District of Columbia funds for this freeway system. By virtue of delays and failure to carry out the freeway program, the cost of the freeway projects in some instances more than double the original amount estimated. The States of Virginia and Maryland have spent millions of dollars in perfecting highway plans which tie in with the freeway projects selected by the District of Columbia.

For 10 years beginning with the year 1958 and extending up to the year 1968 the Committee on Public Works in the House made every effort possible to see that the District of Columbia complied with the action taken on September 15, 1955, when the Commissioner of Public Roads distributed the urban mileage. All down through the years the Public Works Committee has assisted the District of

Columbia with its highway program and at all times has made every effort to see that the interests of the District of Columbia were fully protected.

In the year 1963 a bill was presented to the House of Representatives authorizing construction of a rapid rail transit system for the city of Washington. The Members of the House were not satisfied with the answers to the questions concerning the cost of this proposed subway system and the bill was recommitted back to committee.

In the year 1965 another Transportation Act was brought to the House and here we had a request for a 25-mile rapid rail transit system to cost \$431 million to be constructed entirely within the limits of the District of Columbia. Of the total amount, \$50 million was to come from the District of Columbia, \$100 million from the Federal Government, and the balance to be obtained through the issuance of bonds. This bill was approved by the House and the Senate and later signed by the President.

No construction was started under the authorization of 1965. Those in charge of the rapid rail transit system then decided that compacts should be entered into with the outlying districts in Maryland and Virginia and together with the District of Columbia a much larger subway system should be constructed. So far no construction was underway pursuant to the authorization of 1965 and we then had the National Capital Transportation Act of 1969 presented to the Congress. This act provided for a 98-mile rapid transit system at a cost of \$2.5 billion; \$1,147,044,000 would come from the Federal Government in grants and \$216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay \$357 million for construction of the 98-mile system and the balance of \$835 million would be in bonds to be issued and retired out of funds from the fare box.

Beginning in the year 1969 our committee has maintained that the 98-mile system could not be constructed for \$2.5 billion. I believed then and I believe now, Mr. Chairman, that this 98-mile system will cost at least \$4 billion and may cost \$5 billion.

This 98-mile rapid rail transit system is the largest single public works project in the history of the United States and the largest single public works project in the history of the world. The Manhattan project during World War II cost \$1 billion and the Aswan Dam cost \$1.2 billion. None of the public works projects on the west coast or in the Tennessee Valley compare with the rapid rail transit system now underway in our Nation's Capital.

During the supplemental hearings in 1970 the officials of the Washington Metropolitan Area Transit Authority, upon being questioned concerning the \$2.5 billion figure, finally admitted that the 98-mile system could not be constructed for \$2.5. Later on, they advised us that it would cost \$480,200,000 more than anticipated to construct the 98-mile system. During the hearings on the supplemental appropriations bill the fol-

lowing questions and answers appear in the hearings:

General GRAHAM, do you still say to this committee that \$2.5 billion will construct the 98-mile rapid transit system that you have in mind and the one authorized in 1969 by the Congress?

#### OVERALL COST TO EXCEED \$2.5 BILLION

General GRAHAM. I think for the first time, Mr. Chairman, I can indicate that it is going to cost more, because for several months we have been engaged in new capital cost studies and new net income analysis studies which will pin down the various components of the cost. We are about to culminate the studies and about to give the results to our board of directors and get their help in putting together a new financial program.

I cannot tell you at this time what the new capital costs will be, but it appears that it will be substantially higher than the \$2.5 billion of costs.

I continued my questions concerning the overall cost of the rapid rail transit system and we have the following questions and answers which also appear in the supplemental hearings in 1970:

General, in all fairness to this committee and to the Congress and to the District of Columbia, won't this system come nearer \$4 billion than it will \$2.5 billion?

General GRAHAM. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to \$2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the \$2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long ways from being able to say that some day this may cost \$4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

In 1970 the bankers and the brokers in this country indicated that they would not purchase the \$835 million in bonds which were to be issued and retired out of the fare box. They advised the Washington Metropolitan Area Transit Authority that some system to guarantee payment of the bonds must be placed into effect before the bonds could be purchased. Of course, Mr. Chairman, the bankers and brokers in this country know that bonds cannot be retired out of the fare box and this was generally known at the time the National Capital Transportation Act was presented to the Congress. We have maintained on our Committee on Appropriations for several years now that rapid rail transit bonds cannot be retired out of the fare box and this has been the experience of all communities operating a rapid rail transit system. A bill was introduced in the House of Representatives on November 18, 1971—H.R. 11877—which amends the



National Capital Transportation Act of 1969. This bill provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority with that portion of the bill providing for the guarantee of Washington Metropolitan Area Transit Authority obligations reading as follows:

SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and enter into commitments to guarantee, upon such terms and conditions he may prescribe, payment of bonds and other evidence of indebtedness and the interest thereon issued with the approval of the Secretary of the Treasury by the Washington Metropolitan Area Transit Authority under title III of the Washington Metropolitan Area Transit Regulation Compact. No guarantee shall be made unless:

(1) the Secretary of Transportation finds the obligation to be guaranteed represents an acceptable financial risk to the United States; and

(2) the Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Authority if at any time in the Secretary of Transportation's discretion this action would be necessary to protect the interest of the United States.

(b) Any such guarantee made by the Secretary of Transportation shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

(c) The aggregate amount of obligations which may be guaranteed under this section shall not exceed \$1,200,000,000; *Provided, however*, That such guaranteed obligations issued by the Authority shall not be outstanding at any one time in an aggregate principal amount in excess of \$900,000,000 unless the local participating governments make matching capital contributions in a total amount not less than 50 per centum of the amount of such excess, or have entered into enforceable commitments with the Authority to make such contributions by the end of the fiscal year in which any such excess guaranteed obligations are issued; *And provided further*, That obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the \$1,200,000,000 limitation.

(d) The interest on any obligation of the Authority issued after enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

#### PAYMENT OF INTEREST

Sec. 10. The Secretary of Transportation shall make periodic payments to the Authority upon request therefor by the Authority in such amounts as may be necessary to equal one-fourth of the net interest cost, as determined by the Secretary of Transportation, including fees, commissions, and other costs of issuance incurred by the Authority on its obligations which are issued after enactment of this section.

The total cost of the rapid rail transit system, according to the officials of the Washington Metropolitan Area Transit Authority, will now be \$2,980,200,000; \$1,147,044,000 will be in grants from the Federal Government. The District of Columbia's share will be \$269,700,000 instead of \$216 million. The Virginia jurisdictions must now pay \$204,900,000 instead of \$150 million. The Maryland jurisdictions will pay \$248,900,000 instead

of \$197 million. Instead of \$835 million in bonds, we will have \$1,200,000,000 in bonds.

From 1958 up to 1966 planning and surveys continued on the freeway projects distributed by the Commissioner of Public Roads on September 15, 1955. In some instances construction started but most major projects, which were later incorporated in the Highway Act of 1968, now only had more studies and spending of money for such studies which was not necessary. This was a complete stall on the part of the District officials and was not necessary insofar as placing the rapid rail transit system under construction was concerned. One of the members of the National Capital Planning Commission decided that the freeway projects, which the District had spent millions of dollars planning and surveying, must be permanently shelved. This same member, when her term expired, of course, desired to continue but she was not reappointed by the President.

In the year 1966 we had a balanced system of transportation underway, with some freeway projects under construction and others being surveyed and rapid rail transit authorized under the National Capital Transportation Act of 1965.

In the year 1966 our committee recommended to the House that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. Finally the Commission approved the freeway program and it appeared at that time the freeway system would get underway and the freeway-rapid transit impasse would be solved. Congress relied upon the action of the National Capital Planning Commission and the District officials and shortly after we recommended the release of the rapid transit money, the National Capital Planning Commission called another meeting and repudiated its action which had previously brought about the release of the rapid transit money. A lawsuit was immediately filed and the freeway system was again stopped. This lawsuit was filed in the year 1966 and after an adverse ruling by the District judge the plaintiffs appealed to the circuit court of appeals and a final judgment was rendered in February of 1968. This circuit court of appeals is the court which has as its chief judge, the Honorable David L. Bazelon. Notwithstanding the fact that this was an injunction suit the case remained in the court from 1966 to February of 1968. This procedure, of course, was right unusual to say the least. Certain requirements set forth in the judgment from the Bazelon court had to be complied with by the District of Columbia to proceed with the freeway system.

After patiently waiting for several years to see if the District officials would carry out their commitments concerning the freeway program not only insofar as the District of Columbia is concerned, but insofar as the States of Virginia and Maryland were concerned, the Public Works Committee then decided that some action on the part of Congress was imperative. As previously stated, the Public Works Committee down through

the years has helped the District of Columbia and at no time selected the freeway projects as to number or site.

An antifreeway association was formed along about this time and several of the members were later on arrested for disturbance of the peace in the council chambers at the District Building. Ashtrays were thrown and general disorganization resulted. A number of the members of this organization are right unusual people and have never acted in such a manner as to indicate their desire to make our Nation's Capital a beautiful and respected city. This emergency committee on the transportation crisis issued all kinds of threats and statements to the effect that there would be no more exits or entrances into our Capital City. This committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction of each and every project in the system. Later on members of this group caused trouble at the site of the Three Sisters Bridge on the Potomac River. This committee on the transportation crisis also succeeded in bringing pressure on certain members of the city council along with our District officials and their threats were complied with in a great many instances by the District officials.

The Public Works Committee, decided that in the Federal-Aid Highway Act of 1968 a provision must be placed concerning the freeway system in our Nation's Capital with the provision providing that the District of Columbia officials and the Secretary of Transportation proceed immediately to construct certain freeway projects. A portion of Public Law 90-495, pages 13 and 14 of the Federal-Aid Highway Act of 1968 provides as follows:

(Excerpt from Public Law 90-495, pp. 13 and 14)

#### DISTRICT OF COLUMBIA

Sec. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section, the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I-266 (section B1 to B2).

(2) Potomac River Freeway, I-266 (section B2 to B4).

(3) Center Leg of the Inner Loop, I-95 (section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I-295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under the section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia, may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8-115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of replacement property.

Section 23 of the Federal-Aid Highway Act of 1968 required the District of Columbia and the Secretary of Transportation to commence work no later than 30 days on four projects, namely:

First. The Three Sisters Bridge.

Second. The Potomac River Freeway.

Third. The center leg of the inner loop.

Fourth. The east leg of the inner loop.

This section also required the District and the Secretary of Transportation to study the remainder of the Interstate System and to report back to Congress no later than 18 months on the results of the studies.

A year went by before the District officials made any effort to comply with these mandates of the Congress and it was not until the Revenue Act of 1969 from the Committee on the District of Columbia was brought to the House that the District of Columbia officials decided that some action must take place. This bill contained a provision that there would be no Federal payment to the District of Columbia until Congress was advised that the District of Columbia was in compliance with the law passed in 1968. The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Free-

way, continuing construction of the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop.

At this time the District officials submitted to Congress studies recommending a route for the extension of the east leg of the inner loop which would have extended same right through the National Arboretum and forced a change in the upper end of the east leg which had already been directed by the act passed by Congress.

The east leg therefore as presented represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated of course and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. The District officials still afraid of the threats of the Emergency Committee on the Transportation Crisis and acting under the advice of one or two members of the National Capital Planning Commission, took great delight in presenting a plan providing for the freeway system to go through the National Arboretum and continued their efforts to stop the freeway system in the District of Columbia.

When the Department of Transportation study recommendations called for in the Federal-Aid Highway Act of 1968 were sent to Congress we found their study to be in complete disagreement with the District of Columbia recommendations and discovered that neither the District of Columbia nor the Department of Transportation had even discussed their proposals with the States of Maryland or Virginia. In fact, the Council of Governments which must be counseled on these projects had rejected the District's plan in early 1969.

During the months of August and September of 1969 the District officials following the Revenue Act of 1969 which provided for no Federal payment decided that the 1968 Highway Act must be complied with and at that time directed the Department of Highways and Traffic in the District of Columbia to let a contract for the construction of the Three Sisters Bridge. Construction on the Three Sisters Bridge started in August of 1969 and a contract totaling nearly \$2 million was let for pier construction. In October of 1969, just a few months after the bridge contract was let, a suit was filed to stop construction of the bridge and the freeway projects. Construction on the Three Sisters Bridge continued until August of 1970 when the Bazelon circuit court of appeals again stopped construction of the Three Sisters Bridge. This is the same court that entered the final order on February of 1968 which then forced the Congress to place the provision in the Federal-Aid Highway Act of 1968 concerning the freeway program in the District of Columbia. Since the bridge was stopped the District of Columbia has now for well over a year paid \$500 a day to the bridge contractor for use of equipment at the river site which is now idle and for guarding the piers which were not completed.

In the second suit filed in 1969 we again have a suit requesting an injunction and this suit is still in court. The District court dismissed the suit filed in August of 1969 maintaining that the provision contained in the Federal-Aid Highway Act of 1968 concerning the construction of the Three Sisters Bridge, the Potomac River Freeway, center leg of the inner loop, east leg of the inner loop, and the study which was to be made was the law and had to be complied with.

Since the District officials and the Department of Transportation decided to play games with the 1968 Federal-Aid Highway Act the Public Works Committee decided that in the Federal-Aid Highway Act of 1970 there must be a provision concerning a study of the east leg, the north leg, the North Central Freeway and the Northeast Freeway. This provision of the 1970 law provides as follows:

(Excerpt from Public Law 91-605, pp. 18 and 19)

#### DISTRICT OF COLUMBIA

Sec. 129 (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I-95 (secs. C7 to C13) and I-70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

After enactment of the 1970 Highway Act over 4 months of the 12-month period elapsed and the District made no effort to begin studies.

On October 12, 1971, Judge Bazelon handed down an opinion reversing and remanding the case to the district court. This was a three-panel decision with Judge Bazelon and Judge Fahy on one side and with the opinion filed by Judge Bazelon. Circuit Judge MacKinnon dissented. I am not acquainted with Judge MacKinnon but understand that the judges in the courts in the District of Columbia and the lawyers throughout this section of the country recognize Judge MacKinnon as one of the outstanding judges on the U.S. court of appeals and further recognize the fact that he is considered as an excellent lawyer.

I have carefully read the opinion handed down by Judge Bazelon together with the dissenting opinion of Judge MacKinnon. Judge Bazelon, in his opinion, on page 31, states in part as follows:



It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress to, among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, he acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

Also, in Judge Bazelon's opinion, he states in part as follows:

If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing.

Mr. Chairman, the chief judge of the circuit court of appeals went too far in his opinion. All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

Mr. Chairman, the legislative branch of our Government is a coequal branch and certainly we have no right as Members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch. The restrictions placed on the Secretary of Transportation by Judge Bazelon are such that it will be virtually impossible to build the Three Sisters Bridge as directed by Congress. Mr. Chairman, I most respectfully state that Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court.

Judge MacKinnon, in his dissenting opinion, stated in part as follows:

The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters,

under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.

It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. *U.S. Constitution*, art. I § 8; *Kendall v. United States*, 12 Pet. 524, 618 (1838); *Stoutenburgh v. Hennick*, 129 U.S. 141, 147 (1889); *Shoemaker v. United States*, 147 U.S. 282, 300 (1893); *Atlantic Cleaners and Dyers v. United States*, 286 U.S. 424, 434-35 (1932); *O'Donoghue v. United States*, 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enactment (82 Stat. 815).

Again, on page 6 of Judge MacKinnon's opinion, we find the following:

In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations v. Volpe*, 316 F. Supp. 754 (D.D.C. 1970).

Again, in Judge MacKinnon's dissenting opinion, on pages 8 and 9, we find the following:

Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound highway engineering the only feasi-

ble project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.

Mr. Chairman, again on pages 17 and 18 of Judge MacKinnon's dissenting opinion we have the following:

CONGRESS, REPRESENTATIVE NATCHER AND SO-CALLED POLITICAL INFLUENCE

In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the District of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall." Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

On pages 23 and 24 we find Judge MacKinnon states in part as follows:

The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc. v. Airis*, 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congressman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.

Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon, on pages 26 and 27, states in part as follows:

The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial Parkway. Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within

the dedicated area. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482-83).

The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and the officials of the Department of Transportation. Both rapid rail transit and the freeway system must proceed together. There is a place for both a freeway system, a rapid rail transit system, and an express bus system in our Nation's Capital. We must have a balanced system of transportation in Washington, D.C.

Mr. Chairman, we do not recommend construction funds for the Washington Metropolitan Area Transit Authority at this time.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I find myself in complete agreement with the comments of our distinguished chairman of this subcommittee.

There are some things that I believe need to be said that have not been said. There are some things that need to be reiterated that have been said.

As Members were told, this is the biggest budget by far in the history of the District of Columbia. It is \$194 million over last year, but it is \$144 million less than was requested. Ninety-seven million dollars of reductions came in the field of capital outlay.

This was not an across-the-board slash, but represents an accumulation of individual actions taken mostly because the projects were not ready to proceed.

The recommended Federal payment to the general fund of \$162 million is likewise by far the biggest in history. But again this is \$8 million below the amount heretofore approved in the revenue bill by this House.

Never in history has the District of Columbia government requested more in the way of a Federal payment to the general fund than 30 percent of the revenues raised within the District. The authorized \$170 million which passed this House would have represented more than 35 percent of the locally raised revenue, and this \$162 million included in this bill represents about 34½ percent, so that by a direct grant of Federal funds to the Treasury of the District of Columbia this would provide more than one-third of the amounts that are locally raised.

I believe this bill overall represents a judicious use of the funds available. There were requests before us for 1,743 new positions. The funds available permitted 264, and those are entirely for the staffing of new institutions that will come into being.

There are many other requirements of high priority.

I would find it difficult to argue against many of these individual items, but those can be financed only if we are willing to increase this Federal payment. I will not support a single dime of increase in this huge Federal payment. It is high enough; in fact, it is too high. I am not prepared to vote to have the people of our districts throughout the country carry this. In my district, I can report to you, my constituents pay just about twice as much in the way of real estate taxes as do the people of this District of Columbia, and they pay higher income taxes than do the people of the District of Columbia. I am just not prepared to vote for a higher Federal payment than what is included in this bill out of the hides of people who are being more heavily taxed at the present time than are the residents of the District of Columbia.

I think when we consider that the Mayor of the District of Columbia requested an increase in the real estate taxes here in order to raise some revenue and the city council very reluctantly granted him one-third of the increase that he requested, the local revenues available were thereby shortened by \$8 million. I cannot say to you directly that the \$8 million in welfare payment reductions included in this bill are directly related to that \$8 million shortfall from real estate taxes. I think the reductions in the welfare payments stand upon their merits, but I would just hope that the City Council might just guess that there might be some connection between the \$8 million in reduced welfare funds and the \$8 million shortage of revenue occasioned by the failure to follow the Mayor's recommendation with respect to real estate taxes.

Most of the discussion that we hear outside of our committee room deals with the subway. I do not wish to go back into ancient history or to plow ground which has already been tilled. Suffice it to say that for more than a quarter of a century planners have attempted to evolve a balanced transportation system for the District of Columbia. There has been broad participation in the consideration of varying proposals for such a balanced system. Progress has been slowed by the diffusion of the public authority and by differences of opinion as to what constitutes the public interest and, in more recent years, by a growing sentiment in some quarters against urban freeways. Because of lack of agreement, even after more than a score of years, among the agencies and the interests involved, it was left for the Congress to determine and to define the elements of a balanced transportation system. Congress performed that function in the Subway Authorization Acts of 1965 and 1969 and in the Federal Aid Highway Acts of 1968 and 1970.

Mr. Chairman, the 1968 act mandated the construction of the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner loop to Bladensburg Road. It also directed that the rest of the Interstate System be studied by the District Government and the Department of Trans-

portation. These elements of the study were specifically outlined in the 1968 act.

In signing the 1968 act, President Johnson directed the Department of Transportation and the government of the District of Columbia to prepare a comprehensive plan for a District of Columbia highway system.

In December of that year the District of Columbia Council accepted and published a plan which contained several variations from the 1968 Federal Aid Highway Act and specifically omitted the mandated Three Sisters Bridge and the mandated studies for the northeast and north central corridors.

After President Nixon in 1969 submitted a strongly worded message, specifically calling for a balanced transportation system for the Washington metropolitan area, after that—some months after that—the District of Columbia Council, in August, adopted a resolution to comply with the Federal Highway Act of 1968. It looked at that time as if a quarter of a century of dilly-dallying and obstruction had come to an end. Unfortunately, this was not the case. Recognizing the conditions and local differences, the Congress, on the recommendation of the Public Works Committee in the 1970 Highway Act directed three studies of several of the freeways which had been mandated for study in the act.

However, the mandated construction in the 1968 act—that is, the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner loop to Bladensburg Road—was in no way altered by the 1970 act.

Work was actually commenced on the Three Sisters Bridge, but then came the injunction of the Federal district court, the challenge for which was noted for a remarkable lack of energy and idleness at the site of the Three Sisters Bridge.

On October 12 of this year came the decision of the U.S. Court of Appeals for the District of Columbia which went beyond the decision of the District in conjuring up obstacles, and singled out by name one of the most honorable and deservedly respected men who has sat in this House, the gentleman who serves as the chairman of this subcommittee, my good friend BILL NATCHER—to single out Chairman NATCHER as some of the newspapers, some of the uninformed egotists of radio and TV, and now the circuit court of appeals has done is an affront to the House in general and to the full Appropriations Committee and to our subcommittee in particular.

Mr. Chairman, this is not a one-man subcommittee. Certainly, we do not have a one-man Appropriations Committee. For that matter, this is not a one-man House of Representatives. This House has insisted upon, as defined and as mandated, a balanced transportation system. I submit that our subcommittee has and is acting in accordance with the clearly expressed wishes of this House and, yes, although he does not seem to realize it on this date, in accordance with the clearly expressed wishes of the President of the United States.

Mr. Chairman, many of the people who now want us to allow more and bigger holes for the downtown area, for the sub-



way, are still doing their best to sabotage the freeways, any freeways for the Washington metropolitan area.

I am not talking about 25 years ago or 5 years ago or 2 years ago. I am talking about now, December of 1971.

In accordance with the 1970 act, the District of Columbia Department of Highways and Traffic in June of this year entered into an agreement with two firms of consulting architects and engineers to restudy the north leg, the northeast and north central east legs, and the New York Avenue corridors. A great number of civic groups were contacted, and a number of informal meetings were held, and these were all within the past few weeks. Here is what the consulting engineers reported on November 15, less than 3 weeks ago—and I am reading from page II-1 from that summary of their report:

As meetings progressed it became apparent that several factors hindered constructive communication and participation. Many citizens and community leaders had previously taken firm positions against freeways—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself an additional 5 minutes.

they did not wish to discuss any new proposals that might weaken their antifreeway stand. In several instances residents who had agreed to hold meetings in their own homes later cancelled the meetings, saying that they had been influenced by those opposed to the freeways. Representatives of organized freeway opposition groups dominated at least two of the meetings that were held.

This was not in 1968, this was within the past few weeks.

It seems clear to me that, if we are to have a balanced transportation system, if we are not going to completely capitulate to the obstructionists, the two major elements of this balanced transportation system must go forward together. In fact, freeways ought to be accelerated. Traffic entering and leaving the District of Columbia on an average weekday continues to increase at the rate of more than 3 percent each year, and, according to the optimistic forecasts, the 98 miles of transit lines will not be fully operational until 1990.

All that our subcommittee, the full Committee on Appropriations, and this House of Representatives have ever sought is some assurance of a balanced transportation system, not just a subway, not just the freeways, but both—a balanced transportation system. And when we have that assurance, a solid peg to hang our hat on, we are committed to the appropriation of the subway funds.

So here we are on this December day with \$200 million of available highway funds tied up that ought to be going into freeways.

All we are saying is we must have, as the trustees of the mandate of this House, not just a directive, but assurance that the circuit court of appeals will set a definite date for rehearing, and thereafter that we have an expression of his confidence that the legal representatives will succeed in breaking the obstructive log jams on the freeways by the President of the United States.

So there are two elements for clearing

up this matter, and they are, first, the setting of a day certain for rehearing by the circuit court of appeals, en banc, and, second, a subsequent communication from the President that he believes a balanced transportation system is assured, and on the basis of that assurance requests the appropriation of the subway funds.

It seems to me this House can require no less, and we have never asked for any more.

I would like to yield to the chairman of the subcommittee and ask him if I have fairly and fully stated the situation as it now exists.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend, the gentleman from Wisconsin (Mr. DAVIS) that I agree with every word that he has just stated.

At this time I want the members of this committee to know it has been a distinct honor and privilege for me to serve with GLENN DAVIS on this subcommittee. He is one of the ablest Members of this House. He is for the District of Columbia. He is for the United States and he believes, Mr. Chairman, that the Congress of the United States, the legislative branch of the Government, is a coequal branch of the Government.

All we are asking is that the law be enforced. Mr. DAVIS, I agree with every word you said.

Mr. DAVIS of Wisconsin. My friend is too kind.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Is there anything the President of the United States can do now, or direct any member of the executive branch to do, that would cause the gentleman to agree to the release of these subway funds?

Mr. DAVIS of Wisconsin. No.

Mr. BROYHILL of Virginia. So we have to wait on the action of the court, the judicial branch, in order to consider the release of the funds?

Mr. DAVIS of Wisconsin. We have not said that we have to wait for or to get a decision of the court as a condition here. All we have simply said is that we be notified—that is, that the Circuit Court has set a day certain. I am confident enough that Judge Bazelon's decision will be reversed by a Supreme Court. I am simply saying, tell us—we have a date for a hearing.

Mr. BROYHILL of Virginia. Mr. Chairman, if the gentleman will yield further—if Judge Bazelon wants to drag his feet and wants to play cat and mouse a little bit with the legislative branch, then the result will have to be a further unreasonable delay in the construction of the subway system. As you have stated, there is nothing the President can do or the executive branch can do or that anyone in the legislative branch can do to get the committee to release the subway funds. The net result would be that we would really be waiting on the whim of the Chief Judge on the U.S. Circuit Court of Appeals in order to get subway funds appropriated.

Mr. DAVIS of Wisconsin. No, I do not understand it that way.

Mr. Chairman, I do not believe we are depending on his whim entirely as to whether or not we will have a rehearing.

Mr. BROYHILL of Virginia. What is the other condition that is being required for the release of the funds at this time. I understood the first, which was the result of a behind-the-scenes compromise agreement that the funds would be released when a date was set for a hearing by the U.S. Court of Appeals. Now yet another condition is being added. Would the gentlemen please explain that new condition?

Mr. DAVIS of Wisconsin. I object to the use of that—there was nothing behind the scenes about anything. We simply attempted to resolve this matter by laying the cards on the table and setting the conditions under which this could be done.

Mr. BROYHILL of Virginia. If the gentleman will repeat the second condition now. We understood there is a second condition now added to what some of us understood was offered as a compromise and had been agreed to.

Mr. DAVIS of Wisconsin. I do not know upon what basis the gentleman understood anything.

Let me tell you—No. 1, as to the setting of a date certain for a rehearing and, second, a subsequent communication from the President—that he believes a balanced transportation system is assured and requests the appropriation of funds on that basis.

Mr. BROYHILL of Virginia. Has the President given that assurance? Has the President assured the Congress that he is for a balanced transportation system and he has instructed the members of the executive branch to follow that and the gentleman has had that assurance?

Mr. DAVIS of Wisconsin. No, this is a subsequent communication.

Mr. BROYHILL of Virginia. You want that reassurance?

Mr. DAVIS of Wisconsin. If that is the way the gentleman wishes to put it—yes.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I support the gentleman from Kentucky, the chairman of the subcommittee, and the gentleman from Wisconsin, the ranking minority member on the subcommittee, wholeheartedly. I strongly believe their position is a sound one. I think it is unfortunate, to say the very least, that with all the efforts of the President of the United States and with all the action of this Congress in trying to enforce the several highways acts, we are thwarted apparently by an adamant attitude of one member of the Federal judiciary.

It was amusing to me to read some reports in one of the local newspapers of a behind-the-scenes secret meeting that the gentleman from Wisconsin, the gentleman from Kentucky, the gentleman from Ohio, and I had to discuss a way in which we could help get the subway money and also proceed with the highway program.

I do not know how much more open such a meeting could have been held.

About four rows behind the Democratic desk over there the four of us sat alongside one another and discussed how we could do our best to get the money available for the subway construction program, and in the best of faith—I guess in the eyes of everybody in the chamber—we came to a suggested program. As I understand that suggested program, the gentleman from Kentucky and the gentleman from Wisconsin agreed that if the Circuit Court for the District of Columbia would agree to a date certain to hold a hearing—just a hearing—that the recommendation would be made by this subcommittee for the release of all funds that have been requested by the President of the United States. I believe that is the understanding that we came to.

As I understand the procedure in the circuit court of appeals, it is within the discretion of the chief judge that he can agree to hold such a hearing en banc. But I am also informed that a majority, which is five out of the nine judges, can petition the chief judge, if he will not act, and then such a hearing is set. I do not understand why a small group, or maybe one man in this court will in effect thumb the nose at the House of Representatives. If you ever read that decision by Judge Bazelon, I do not think a single Member of this body would have any respect for that decision.

All we are asking is that they agree to a date certain to hold a hearing. I think that is reasonable. I believe in a balanced transportation program. I want the subway to go ahead; I want the highway program to be constructed as the Congress has said on two occasions it should be constructed, and I refuse to let one man or two people in the Federal judiciary thwart the wishes of the President of the United States and thwart the wishes of the Congress of the United States.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield to me to ask the minority leader a question?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I wish to ask the minority leader this question: Is it his understanding that there was a second provision in this general discussion that the gentleman had with the gentleman from Kentucky? You mentioned one. They mention two.

Mr. GERALD R. FORD. As I understand, the second condition raised by the gentleman from Wisconsin is merely a reiteration of what the President of the United States has already said. I do not think that that is a problem. As far as my understanding is concerned, that is not a condition that would in any way prevent me from supporting the funds for the subway.

Mr. BROYHILL of Virginia. It was added.

Mr. GERALD R. FORD. You are making a mountain out of a molehill.

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

Mr. DAVIS of Wisconsin. I promised to yield to the gentleman from Connecticut. I yield to him now.

Mr. GIAIMO. We are talking about some agreement that I am hearing about

for the first time, except for having seen references to it in the press. But I would like to get very clear in my mind, because I, myself, had a discussion with the minority leader several days ago in which we understood the so-called agreement said that if the appellate court will agree to rehear the matter en banc, that will be sufficient. Now we are hearing a slight change. It is not only will the court agree to a rehearing en banc, but will they also set a date certain, and beyond that we now hear of an added demand that the President has to take some positive step in addition to what he has already done. I do not know what else the President can do to indicate his support for the Metro system. If I may refer back to the statement—

Mr. DAVIS of Wisconsin. Let me correct the gentleman. The President is on record in support of a balanced transportation system.

Mr. GIAIMO. All I am saying, as the gentleman knows—and let me go back to when my distinguished chairman spoke before—if I remember correctly, he said he would be willing to put in the moneys for the subways even in a supplemental, providing the court ordered an en banc hearing and carried out the provisions of the Highway Act in the law. This is much more than he said several days ago. It is not clear to me at all. I do not think it is a relatively clearcut commitment one way or the other. I think what can very easily happen is further delay of Metro.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I do not remember the precise words of my discussion with my friend, the gentleman from Connecticut, but if there is any difference from what I said here on the floor, I do not think the difference is significant. If the circuit court of appeals, the appellate court, agrees to a rehearing, is it not responsible to ask them to set a date? We do not want a rehearing in limbo. We want a date certain. I think that is a perfectly reasonable and rational request.

I think the gentleman, himself, instead of quibbling about a word or phrase, ought to recognize that is a responsible request and a reasonable one.

Mr. DAVIS of Wisconsin. Mr. Chairman, I did set out the two specific elements. I think they are very clear, and the gentleman from Kentucky concurred in those two elements. I do not know how we can make it any more clear than that.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I am hearing about this agreement for the first time officially. I read about it in the paper the other day. But as a member of the subcommittee I want to make it very clear that I think there ought to be something more required than what we are selling out for today.

In 1960, a similar impasse came about

where the highway funds were not being released, and the highways were not being built, but an agreement was made the courts would reconsider and the funds were released. History will show that the opponents went back to court and got it tied up again. I, for one, will not agree to what apparently this group has agreed to do.

The people in Indiana and the people of the Members here are going to have to pay for the subway, including the people in Michigan and Wisconsin, and so on. What do they care about the subway? Will they ever use it? But they are going to use the highways. So I question this. I will support the subway when the highways are started, and not just on the basis of some agreement.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I can understand the views of the gentleman from Indiana. I can only say for myself if they agree on a date certain to hear the case en banc on the Department of Justice petition for a rehearing, I will vote for the necessary funds in the budget for the fiscal year 1972, either in this bill or in any supplemental, including a special supplemental. That is my personal commitment.

Mr. MYERS. Mr. Chairman, will the gentleman yield again?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, is this not just exactly what happened in 1969 and did not this Appropriations Committee and the Congress act in good faith to release those funds at that time?

Is it not a fact there is the same danger of this time having the judge or the panel merely saying they will hear it, but is there any reassurance they will hear it in 1972 or will they wait until 1974?

I think we are turning everything over to them and not having certain reassurance.

Mr. DAVIS of Wisconsin. The thing I said was the setting of a date certain, which is to avoid that very doubt.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, my name has been mentioned in the so-called agreement or understanding we have had. That is, I agreed completely with what the gentleman from Michigan, the minority leader, has said the understanding was, and what the gentleman from Wisconsin has said. I believe if the court of appeals will take jurisdiction and agree to a date certain for the hearing, the understanding was then we would have it on a supplemental and not wait for a general supplemental. This does not mean we are going to wait for the supplemental of next year or until all the other agencies are taken care of.

We will bring it in on this one bill. That is the understanding we have.

It seems to me the gentleman from Kentucky has been most fair in his understanding on this, in his agreement to the proposition I have stated. The gentleman from Wisconsin has agreed.



I might say again, there was no secret meeting. It was all right over here on the floor.

I would support, when the court of appeals takes jurisdiction and sets a time certain, this proposal, and I will do everything I can to get that supplemental request up here. I will do everything I can to get the funds passed so that we go ahead.

There is no desire on the part of this gentleman from Ohio, nor I am sure on the part of any others who take the position we do, that we want to leave the subway with dry holes in the District of Columbia, as somebody has said. This is not the purpose.

We can move as fast as soon as the court takes jurisdiction and sets a time certain. Then we will go ahead.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO) a member of the subcommittee, and one of the outstanding Members of the House.

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

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw my point of order.

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

Mr. GIAIMO. Mr. Chairman, let me say at the outset that my dear friend, BILL NATCHER, the subcommittee chairman from Kentucky, is one of the most able and one of the great Members of Congress. His integrity and his devotion to duty are second to none. I have only the highest respect for him.

As much respect as I have for him, he knows I must disagree with him on this issue of Metro, because I feel strongly about it.

I am somewhat shocked, Mr. Chairman, by some of the colloquy which we have just heard in this Chamber. I agree with the gentleman from Wisconsin in that I do not favor Judge Bazelon's decision. I was disappointed with the decision; I believe it to be erroneous.

I, too, am concerned, as is my chairman, that all too frequently we are seeing an encroachment by the judiciary into legislative matters. I hope that in the forthcoming years the courts, particularly the Federal courts, will restrain and constrain themselves from entering into the legislative area.

But, as bad as it is for the Federal courts and the judiciary to intervene in legislative matters, it is as equally bad and wrong for the legislature and the Congress to intervene in the area of the judiciary.

It has been said that we want a balanced transportation system, and we do. I want to see a balanced transportation system. I want to see the Three Sisters Bridge and its adjoining highways built. They are part of the Highway Act that this Congress passed and mandated, and therefore, it is incumbent upon the District government, the Department of Transportation and anyone else involved who bears the responsibility for carrying out the law to do so and to complete the highway system and the bridges.

However, part of the determination as to whether or not we are carrying out the law involves the right of people who disagree with Congress action to seek recourse in the courts of the United States. The Constitution affirms that. So, whether or not the Three Sisters Bridge is in accordance with the law, even though I think it is, is not a determined fact as yet; it will not be determined until the United States court of ultimate jurisdiction tells us that it either is or is not. As much as we may dislike it, there is nothing we can do about it.

But there is something that we can do. Although we cannot do anything about the bridge and the highway system, we can retaliate against the people of the District of Columbia by saying, "No bridge, no subway," even though all of us in this House supported the authorization of the subway.

I submit to you that this is what we are doing now. We should not do this, however, because we believe a judge is incorrect or because we do not agree with the decisions of a court. I think we in Congress owe it to ourselves, to our oath and to our constituency not to retaliate on the defenseless people of the District of Columbia.

We have been arguing this matter of Metro year in and year out. It has been said, and correctly so by the gentleman from Kentucky, that they were not in compliance with many of the programs concerning the development and construction of freeways and bridges. Not only were they not in compliance, but, in my opinion, the District government over the years was dilatory, and I think the Department of Transportation was also dilatory in many instances. But this argument no longer applies. They are now in compliance. They have done everything that they can possibly do at the present time. The District government is ready to begin construction of the Three Sisters Bridge immediately upon allowance by the court to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman from Connecticut 5 additional minutes.

Mr. GIAIMO. Until that decision is reached, the District can do nothing further to be in compliance with the highway mandates of the U.S. Congress.

Now we have Metro. Metro is desperately in need of money. We find ourselves in the strange situation in this House and, in fact, in my own Committee on Appropriations where we wish to refuse the District of Columbia's share of Metro funds this year just as we did last year. Yet this very Committee on Appropriations, recognizing the importance of careful planning for Metro, has funded money for the Federal portion, the two-thirds portion, of subway construction which, incidentally, we fund a year in advance. So we have given the Federal moneys in an appropriation out of the Subcommittee on the District of Columbia of the Committee on Appropriations. We have already given them their fiscal year 1973 money. Here we are, the same committee which on one day

says to its full committee and to the House, "Here is the money for Metro, for the Federal portion," and then on another day says there is no money for the District of Columbia's share which we are bound to provide for you.

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

Mr. GIAIMO. Yes, I yield to my colleague from Massachusetts.

Mr. CONTE. The gentleman from Connecticut is four square and absolutely right on that. The amount of money that the Subcommittee on Transportation, of which I am the ranking Republican member, appropriated over \$650 million for the Metro and here we are talking about \$72 million in this budget.

Mr. GIAIMO. And is it not so that you make these appropriations a year in advance?

Mr. CONTE. These are advanced appropriations which the Congress does not like, but the Congress last year and this year appropriated that amount without one single argument against it on the floor of the House.

Mr. GIAIMO. Is it not so that they must have careful planning and look over the contracts to which they have to commit themselves and have a balanced approach in the construction of the Metro?

Mr. CONTE. Mr. Chairman, if the gentleman will yield further, that is right; and, further, so they can work in cooperation with the other eight jurisdictions involved in the Metro system.

Mr. GIAIMO. Mr. Chairman, here we are, my friends, saying once again there is one other hurdle you have to jump before we give you the money for Metro. I will admit that the hurdles are getting smaller, but we are now saying that the appellate court set a date certain for rehearing en banc. I would like to ask either the gentleman from Kentucky or the minority leader if is the intent to insist upon anything beyond the setting of a date by the appellate court?

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

Mr. GIAIMO. Yes.

Mr. GERALD R. FORD. I thought I made that crystal clear in my brief colloquy with the gentleman from Connecticut, and that is the only condition that I require as far as the support of the funding of the subway is concerned.

Mr. GIAIMO. As I understand it, the gentleman from Kentucky has made reference to carrying out the provisions of the law. Does this mean that the court would act in an expeditious and proper manner and not take a year or so to set a date?

Mr. NATCHER. Yes.

Mr. GIAIMO. Mr. Chairman, the only difficulty I see with this problem, and it is a very real difficulty, is that the Congress may adjourn within a week or 10 days, and therefore, the Congress would not be in session. As to what happens when we come back, based upon my own experiences, there will be a considerable period of time before a supplemental bill comes out of the Appropriations Committee. I know it could be done rapidly and forthwith, but normally we

do not move quickly in January and February. Therefore, it would probably be March or April before we would have a supplemental bill and, as a result, we would have delayed Metro all of those weeks and months and added to the escalation of the cost.

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

Mr. NATCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

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

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

Mr. GERALD R. FORD. The circuit court of appeals could set a date today. They could have set a date yesterday. They could have set a date before that. I think we ought to have some cooperation from them.

As the gentleman knows, the Federal court system can move very, very rapidly when it wants to. We have a recent incident where they went from literally the bottom to the top, with reference to the Pentagon papers in a span of less than a week. It seems to me it would be very simple, very fair, and very reasonable for Judge Bazelon to say, "we are setting a date for a hearing," which I do not think is unreasonable.

Mr. GIAIMO. The gentleman says we could set the date today. I would say to the gentleman that the court could have decided this matter in our favor also, but the fact of the matter is that the court did not. I do not like the court telling the Congress what to do, and I find it a little disturbing that we would undertake to tell a Federal judge what to do.

I have confidence that the Federal courts will act in their good time and that they do not want to be dictated to by the Congress of the United States. I hope the day never comes in this country when the U.S. courts are dictated to by the Congress, or anyone else.

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

Mr. GIAIMO. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask the gentleman how much has been added to the construction of the freeways and the Three Sisters Bridge—the cost of them?

Mr. GIAIMO. I cannot answer the gentleman's question, but I can say to the gentleman that when you build a highway or a bridge today you have very great controversy in almost every city and State in the Nation, and these controversies can only be resolved in the courts of the United States.

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

Mr. GIAIMO. I will be glad to yield to the gentleman who made such an excellent speech against the subway in toto before.

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

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I rise to speak on this bill, and to say that most of all I should like to reiterate the words of the gentleman from Wisconsin when he said: "This is not a one-man subcommittee, this is not a one-man committee, this is not a one-man Congress."

I want to say to my chairman, and my dear friend, the gentleman from Kentucky, BILL NATCHER, that before being privileged to serve with the gentleman on his subcommittee this year, I served under the chairmanship of the gentleman from Illinois on the Roads Subcommittee of Public Works for 6 years; and it just seems to me, Mr. Chairman, that somewhere before going to the Committee on Appropriations, I had heard something about freeways, and the Three Sisters Bridge, and the need for a balanced transportation system.

Mr. Chairman, too much—far too much abuse—has been heaped on one man in this situation, and I refer to the gentleman from Kentucky (Mr. NATCHER).

Now my President has gotten involved in this situation and, Mr. Chairman, he too is not a culprit either. The ones who are, do not seem to be the ones who get embroiled in it. I refer to the ones who have resorted to every devious trick, and scheme and device they could to thwart the will of this Congress—not the will of my good friend, the chairman of this subcommittee, not the Committee on Public Works, but this Congress and two Public Laws, one enacted in 1968 and one in 1970.

We are familiar of late, Mr. Chairman, with those who by their actions say, "the end justifies the means." We will decide what laws are good and what laws are proper and just and, if they are not, do what you want. "We have seen a commission that approved a bridge, and thereby subway funds are appropriated. Then the commission immediately thereafter met and said, 'No, we reverse our decision.' Or to say, 'Yes, we are going along with the highway part of a balanced transportation system,' and then a lawsuit is started. And then—not 1 month, not 2 months, but it takes 4 months to put in an answer to the suit.

I found the gentleman from Connecticut's remarks in this debate very moving. Mr. GIAIMO spoke very eloquently about the District of Columbia not being at fault here. All I can say to the gentleman from Connecticut is that I am not so sure. Sometimes I have the feeling about this District government and some of their allies, that when they come in on this question of balanced transportation, highways and subways, that, Mr. Chairman, they sound a little like the boy who shot his father and his mother, and then threw himself upon the mercy of the court because he was an orphan. I think they have had a little bit to do with this along the way. I think that administrative actions could have been taken to expedite this balanced transportation system.

This is one of the things that is at stake here.

For more than two decades there have been studies and plans made—and if I be

in error, I know my dear friend, the chairman of the Roads Subcommittee of the Committee on Public Works (Mr. KLUCZYNSKI), is here and he will correct me—but I believe the figure is \$20 million of studies on this transportation problem of this Washington metropolitan area—83 separate studies, I am reminded by the gentleman from Iowa (Mr. GROSS).

Everyone said we needed the highways, the Three Sisters Bridge, and the subway system and in that way and only that way can we have a balanced transportation system.

Well, I think we are only going to get that if we get the message out of here today, loud and clear, that now it is time for somebody else to move, and when they move—then we will move. I think it is no large price to pay for moving ahead on a balanced system to say that we will come ahead with the funds for the subway just as soon as the court agrees to a day certain to hear this case.

I hope this House, in the action which it will be taking not too long from now, will support not just Mr. NATCHER, not just his subcommittee, not just the Appropriations Committee and the Committee on Public Works, but will support what is the law of the land.

The gentleman from Connecticut was persuasive in his argument—that he deplored the confrontation of this body and the Court and, yes, the Court confronting us.

As he was speaking, I was thinking, What are our powers? The Court has its marshals. The powers of the executive branch are awesome. But what are our powers in this, the people's House? Are we a helpless giant? Do 200 million people, or the electorate thereof, who go to the polls to elect 435 Members and two delegates, expect us to be concerned for compliance with our laws? I think they should and they do. Our greatest strength, our marshals for enforcement, are the decisions we make on appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. KLUCZYNSKI), the chairman of the Subcommittee on Roads of the Committee on Public Works.

Mr. KLUCZYNSKI. Mr. Chairman, I want to thank the gentleman from Kentucky for giving me this time to explain the bill under consideration.

Mr. Chairman, I rise to support the position of the gentleman from Kentucky and the full Appropriations Committee. I do this not only as chairman of the Subcommittee on Roads of the House Committee on Public Works, I do this in the name of JOHN BLATNIK, chairman of the Committee on Public Works, who at this time is hospitalized, but resting comfortably. He has asked me to speak for him in this regard and to indicate his complete support of Mr. NATCHER's position. Were he here, he would do it himself.

The Committee on Public Works included in the 1968 Highway Act provi-



sions well known to you all that certain segments of the Interstate System in the District of Columbia be built in accordance with plans already approved by all of the local bodies. We did not make these up; they were presented to us. They are good highway plans and should be built.

The Committee on Public Works is in favor, and I cannot stress this enough, of a balanced transportation system. We want this subway built, but we also want the highways built. They cannot be separated one from the other because they were designed to complement each other.

In my city of Chicago, we have rapid transit lines running in the median of the interstate highways and it is the greatest thing in the world. But we would be in rough shape without those freeways.

The issue here is even bigger than just freeways and transit. Here we have defiance of the will of Congress. This cannot be tolerated, gentlemen. Where do we stand if we cannot be assured that the laws we passed are going to be carried out. The administrative bungling that has been thrust upon us in this instance is unbelievable. It must be corrected and drastic action is necessary.

Again, I say to you that the House of Representatives must stand behind the Appropriations Committee and **BILL NATCHER** of Kentucky.

The Committee on Public Works stands in support of him and knows that he is right.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the acting chairman of the House Public Works Committee, the gentleman from Alabama.

Mr. JONES of Alabama. The day before yesterday the gentleman from Minnesota (Mr. BLATNIK) called me from the hospital and made the same request of me that he made to the gentleman in the well, that is, to let the House know of his position that he would stand behind the judgment that was made in the 1968 act, that is, we would have a concurrent public works project for the highway system and the rapid transit system.

Why can we not go along with both programs? Why must one be separated from the other? As the gentleman in the well (Mr. KLUCZYNSKI) has pointed out, these programs are totally necessary if we are going to accommodate the public needs. If we do not stand behind Mr. NATCHER in his position, we are going to further delay, hamper, and destroy the public transportation accommodations for the people of this area. So I think it is needful that we act with dispatch to obtain what we originally set out to accomplish.

I see no reason for dissidence and misunderstanding because our goals were firmly established. People with knowledge and information passed it on to us, and we responded in such a way as to try to do the very best we can under a very troublesome situation. I hope that the House today will recognize the tremendous burden under which the gentleman from Kentucky (Mr. NATCHER) has been

working during the past few years, and that we will steer ourselves to a better destiny under his leadership.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Appropriations Committee, the gentleman from Ohio (Mr. BOW).

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

Mr. BOW. If it is a short question to which a short answer will be responsive.

Mr. YATES. Earlier a statement was made by the gentleman and the distinguished minority leader. I understand the minority leader and the gentleman agreed upon the fact that they would agree to make the subway money available at such time as the court of appeals set down a rehearing of the action.

Mr. BOW. When they assumed jurisdiction to sit en banc and set a time certain.

Mr. YATES. When they set down for rehearing—

Mr. BOW. En banc, the court en banc, and they set a time certain.

Mr. YATES. For the rehearing.

Mr. BOW. Mr. Chairman, I would like to get away from the subway for a few minutes and talk a little about the rest of this bill.

The distinguished gentleman from the District of Columbia made a minute speech here a little while ago in which he rather severely criticized the Appropriations Committee and used some pretty hard words against us about what we have done with this bill.

The gentleman has not been here quite as long as I have, but I should like to say when I came to the Congress 22 years ago, the Federal contribution to the District of Columbia was \$9,800,000, and in this bill today the Federal contribution is \$162 million—an increase in the period of time I have been here of 1,600 percent.

Now, that is not a very bad figure when we see there is a 1,600-percent increase, but this is not all. The \$162 million in Federal contribution is not all. Our taxpayers, the taxpayers of the Members and my taxpayers throughout this entire United States, in addition to the \$162 million are also providing Federal grants of \$267 million.

In other words, in addition to what else is going on here for the District of Columbia, the taxpayers of the Members and my taxpayers are contributing to the maintenance of the District of Columbia \$463 million. Those are Federal funds, taxpayers' money, out of the Treasury of the United States, contributed to the maintenance of the District of Columbia.

Then when the gentleman talks and says we are not being fair and not taking care of the people of the District of Columbia, I must point out all our taxpayers are contributing \$463 million. As I mentioned, there is a 1,600-percent increase just in the period of time I have been a Member of this Congress.

It has also been pointed out here that real estate taxes are low. The ranking minority Member said the real estate taxes are much lower than they are in his hometown.

I think if Members will all check the

taxes being paid by their taxpayers at home, they will find their taxpayers are paying a higher real estate tax in most instances than the citizens are paying in the District of Columbia. But when those same taxpayers, who are paying the higher real estate taxes at home, are also called upon to contribute \$463 million to the people of the District of Columbia in addition to their own taxes, I thought, Mr. Chairman, it would be well if we could point that out.

Now, I thought if we could get away from the subway for a minute, I would just point out what we really are doing for the people of the District of Columbia by the taxpayers of the entire Nation.

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

Mr. BOW. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I am sure the gentleman understands it is impossible to compare the District of Columbia as a city with any city of comparable size anywhere in the United States for the reason that the District of Columbia performs multiple functions as a government that in other jurisdictions are shared with the States and counties and other special jurisdictions. The fact is, for example, that on the question of public welfare, there are many cities that are often compared with the District of Columbia that bear little or none of their public welfare burdens because those costs are shared substantially with the State and county jurisdictions surrounding them.

Mr. BOW. If the gentleman will just stop right there, and I will yield further, I want to point out that I thought the gentleman would raise that question, so I point out that the taxpayers of this country are contributing in a Federal grant to the human resources the gentleman is talking about, in an amount of \$99 million. I think any other city of comparable size in the United States would be delighted to get the help of \$99 million out of the Treasury of the United States for their human resources. The District of Columbia is getting \$99 million from the general taxpayers of this country for its human resources.

Mr. Chairman, I yield further to the delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, the gentleman realizes, I am sure, that the fact is that those cities would be getting assistance from their surrounding State and county jurisdictions, and those shared resources would not be reflected in the assistance the District of Columbia gets as a city-State.

Mr. BOW. It seems to me, if the gentleman will permit, the gentleman is talking about what counties might give, or States, but all the time I hear the District of Columbia wants to be a State, to have its own State, and to take over itself. If they can prove they can do that, perhaps they can get some.

But they are still getting \$99 million in human resource funds from all the States and all the taxpayers of the United States.

Mr. FAUNTROY. The gentleman does realize, all of that notwithstanding to the contrary, the fact is that there

is an \$8 million cut in the welfare assistance.

Mr. BOW. Would the gentleman also tell the House at this time how much of an increase there was; not a cut from the authorization, but how much of an increase there was in the appropriation over what was provided last year? Let us talk about increases, not reductions under authorizations. By how much did the Appropriations Committee increase the appropriation this year over last year's amount?

Mr. FAUNTROY. I was about to say, the fact is that the amount of public assistance afforded elderly people in this community, afforded the young who qualify for public assistance, afforded the handicapped will be cut in half.

Mr. BOW. Would the distinguished chairman of the subcommittee tell us how much we have increased the amount?

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

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 1 additional minute.

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

Mr. BOW. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, for the fiscal year 1971 the Congress recommended and there was appropriated \$707,171,562. We are recommending in this bill \$901,476,700.

I say to my distinguished friend from Ohio, the ranking minority member on our committee, this is \$194,305,138 more than last year, not including the Federal grants.

Mr. BOW. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman and members of the committee, I am reluctant, in the midst of all these cosmic debates about metro and appropriations to the tune of \$700 million or \$900 million, to raise such a modest item as the appropriation which is being made for the Department of Corrections; but at a time when the focus of public attention is rightfully on prisons and correctional institutions I believe it is almost incredible that the District of Columbia budget, for an increased jail population, proposes a budget this year that is less than that for last year.

If I am wrong I hope the chairman of the subcommittee will correct me.

As I read the report and as I read the hearings, the budget for this year for corrections is \$500,000 less than it was last year. I have pored through the hearings, members of the committee, and I find nothing to justify the cut. I found almost a love feast between the members of the committee and the head of the Department of Corrections and representatives of the city about some of the needs that were represented in the budget request.

As an example, let us consider narcotics treatment. Everyone praised the good job we were beginning to do on narcotics treatment; and yet the final

recommendation of the Appropriations Committee is to cut 22 positions, to make it impossible to open up two very important narcotics centers in the District of Columbia.

The District of Columbia has been using halfway houses. I do not care, ladies and gentlemen, whether you like halfway houses or not, but unfortunately, if we close up halfway houses those prisoners do not blow away. They have to be put some place.

Under the appropriation that has been recommended there will be money for 100 fewer inmates in the halfway houses than before, and yet we are authorizing money for fewer guards than are needed to take care of the present population.

Ladies and gentlemen of the committee, the Committee on Appropriations recommended a \$2 million cut over what was requested by the District of Columbia and what was approved by the Office of Management and Budget for the Department of Corrections. That reflects a cut of some 52 positions, including some 17 correctional officers requested for staffing of the new maximum security unit in the Youth Center. Mind you, this is a maximum security unit. Six additional for adult parole staff and 22 additional correction positions were also cut. I could go on with other cuts like that.

I have been in these institutions. The District of Columbia jail was built to hold 600 people and there are now 1,245 people in there. The Women's Detention Center was built to hold 50 people and there are 109 in there now.

Mr. NATCHER. Will the distinguished gentleman yield to me?

Mr. MIKVA. I am glad to yield to the distinguished chairman.

Mr. NATCHER. I want to say I consider the gentleman from Illinois one of the ablest Members of this House, and I do not say it just to make him feel good. The gentleman from Illinois serves on the District of Columbia Committee. That is correct; is it not?

Mr. MIKVA. That is correct.

Mr. NATCHER. Your committee brought out a bill 3 weeks ago which provided for a limitation on employees of 39,619. This bill provides for 39,619.

You point out to the committee that there are 17 additional new employees who were not approved. We could not approve them. Your committee put a limitation in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. I yield the gentleman 1 additional minute.

Mr. MIKVA. I merely wish to say that I worried about that limitation when it was put on by my committee and opposed it for that reason.

But I say to the distinguished chairman—and I hope we are forming a mutual admiration society here today—that I do not believe he would say the place we ought to cut, for the benefit of all of us who live and work in Washington, is 17 guards in the maximum security unit when we know that the prison population is over the amount that we were supposed to have had.

Mr. NATCHER. You say we should not do it. Why did your committee put the

limitation on the revenue bill of 39,619?

Mr. MIKVA. I say I opposed it.

Mr. NATCHER. You serve on the District of Columbia Committee, and you know that we are within the limitation.

Mr. MIKVA. Let me say that of the 39,000 employees I would hope that some place there was room for a cut besides 17 guards in the maximum security unit.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Thank you.

Mr. Chairman, as a new member of this very fine committee, I thank the chairman, Mr. NATCHER, of the subcommittee, and the ranking minority member, Mr. DAVIS of Wisconsin, for their generosity and consideration in every case. It has been a pleasure to serve on this committee, despite what you have been hearing today.

At the conclusion of Mr. GIAIMO's remarks he made reference to the fact that I had made a speech against the Metro. I make it very clear. I think the Metro is a fiasco that will cost the taxpayers of this Nation more than \$5 billion by the time it is completed. I cannot see it paying its operating expenses, let alone retiring the debt. However, it is a law and I shall support and vote for funds for that Metro whenever we are assured of a balanced system. It is very, very important that we look toward a balanced system. That is exactly what this whole argument about Metro has been here today.

I think that the argument here on Metro for \$72 million is a little sidetracking argument. There is something that I think is much more important, and that is the budget of \$901 million.

Earlier we were talking about the Federal contribution. Of course, historically the Federal Government has made a rather significant contribution to the District of Columbia government. I am not going to take issue with that. I think there is a lot of reason for it. But I do not see any place else in the United States where there is any similar contribution made in lieu of real estate taxes that might be paid by the Federal Government.

Now, Mr. Chairman, I will use an example of one of the counties that I have the honor to represent. It is a small county. Three townships composed of 51,200 acres, which constitutes about one-third of the area of that county are now owned by the Federal Government. That county does not receive 1 nickel in lieu of real estate taxes. They get a little Public Law 847 funds, or impacted aid funds. I think it runs about \$60,000. However, that does not anywhere near approach what we give the District of Columbia government. The figure was used of something like the total contributions and assistance running at about \$453 million.

Mr. Chairman, the General Accounting Office's last estimate for 1970 reflected that the Federal Government's contribution in financial aid as well as contracts and so forth was \$483,970,000. That was 2 years ago. So next year I think we could reasonably conclude that approximately one-half of the budget of the District of Columbia will come from the taxpayers



of the United States and not from the District of Columbia—the people that live here.

The gentleman from the District of Columbia, a moment ago, was defending the District of Columbia government, as he should, of course, and as we all defend our own districts. However, the gentleman made reference to the fact that the District was performing all of the services that other governments at the State and local level might provide in other cities.

I notice that the number of employees that we have authorized as the result of a limitation by this Congress in a previous action for the District of Columbia was 39,619. Last year the authorization was 41,848.

Let me give you an example of government in action someplace else and that is Indianapolis, Ind., which has a metro-type government and where the population is 744,624. That is even more than some of the most recent estimates as to the population of the District of Columbia.

The metrogovernment in Indianapolis, excluding teachers, employs 6,350 people.

Now, the gentleman says that we have State government providing some services for Indianapolis. Well, let us add the State of Indiana. The State of Indiana is composed of 36,291 square miles plus 106 square miles of inland waters as compared to 69 square miles of the District of Columbia. In other words, we have more area in waterways in Indiana than the area of the District of Columbia. The population of the State of Indiana is 5,193,669 but the total number of State employees is 19,259, and by adding the city of Indianapolis which performs a similar service as does the District of Columbia, we still have only 25,609 total employees in city and State government.

Mr. Chairman, I think the Commissioner of Washington as well as Chairman Hahn are doing a very fine job. I think they are doing the best they possibly can, but they need help and that help must come from this Congress. They assumed a high-employment and high-spending condition.

This is our Nation's Capital. It does not belong solely to the people that live in the District of Columbia. The hard working taxpayer back in each of our districts are entitled to some consideration and that should not be just the right to spend more of their money here and the responsibility to send more money to Washington.

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

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE), a member of the subcommittee.

Mr. SCHERLE. Mr. Chairman and members of the committee, first of all, let me compliment the excellent job done by the chairman of our subcommittee, the distinguished gentleman from Kentucky (Mr. NATCHER), and also the ranking member, the gentleman from Wisconsin (Mr. DAVIS). It has been a real pleasure working with these two

men and, indeed, as a new member on this subcommittee I had an opportunity to benefit from the great insight and wisdom of these two men.

There is one thing I want to mention at this time, and it grieves me deeply to hear the verbal accusations made against my distinguished chairman simply because he is protecting the law, the very law that this Congress in 1968 and 1970 passed concerning the Federal Highway Act.

He was protecting your interests and mine. He was defending a law that was passed in this House, yet all we hear day after day are accusations made against our distinguished colleague. I do not enjoy hearing them. Certainly it is not fair that these charges be directed against a man who has served in such an honorable capacity, and who has protected our interests as Members of the Congress.

This is our colleague, and the laws passed were ours.

Now, Mr. Chairman, let me spend a few minutes on the budget.

First of all, it has been my impression since I have been in Washington that this city operates extravagantly. If an efficiency expert were hired in the District of Columbia, he would last about 3 days and then he would quit in complete disgust.

The appropriation that we are making at this time includes an increase of \$36 million. The last budget increase was \$21 million, from \$105 million to \$126 million. Now this committee has granted an additional \$36 million, from \$126 million to \$162 million.

As a member of the Committee on Appropriations I can recall no other appropriation passed this year which has allowed this great an increase over last year.

In July 1970, the welfare investigators were eliminated. At that time, ladies and gentlemen, there were 20,000 welfare cases at a cost of \$35 million. One year later, without the investigators, the welfare cases had increased to 30,000 with a budget of \$57 million. In 1971, in September of this year, there were 37,000 welfare cases costing an estimated \$76 million. By fiscal year 1973, they expect to have 50,000 welfare cases with a predicted cost of \$124 million. And this is happening at the very time, ladies and gentlemen, when the Department of Health, Education, and Welfare states that welfare cases throughout the country are decreasing. But here in Washington they are increasing, even though the population is declining practically every year.

In the hearings Miss Winifred Thompson, the Director of the Social Services Administration Department of Human Resources, testified—and I think this will be of interest to every Member present in the Chamber this afternoon—that cheats and frauds are costing the District of Columbia between \$6 million and \$8 million a year.

Just stop and think how many people, who are fraudulent recipients of welfare, it would involve to contribute to the figure of \$6 million to \$8 million a year. Think what this is costing alone.

Mr. Chairman and Members of the

House, since we all subsidize a part of Washington, D.C., we should take care of it. But I do not think that we should provide retirement benefits for every person living in Washington through the generosity of the taxpayers throughout the United States.

I believe that this committee has done a wonderful job. It has been reasonable in its approach to the problem, but, Mr. Chairman and colleagues, there is a point that is beyond reason. We will have reached that point if we continue to vote increases that we have been giving the District of Columbia year after year. There is no justification, in terms of the expenses incurred.

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

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Thank you, Mr. Chairman.

Mr. Chairman, personally I pay my respects to Mr. NATCHER. I recall so well the days when I was with the Rural Electrification Administration appearing before his committee and the very kindly and considerate attention that he gave to our efforts is something I appreciate tremendously.

Now may I refer for a moment to the fact that there is said to have been some kind of compromise reached between some Members here in the House over the subway funds. Being the ranking member of the District Committee, I am sorry to say that I am not too well advised as to just exactly what that agreement or compromise was, in fact. Further, I am a little bit more confused about what it was after listening to the debate.

Mr. Chairman, I hear one statement to the effect that the compromise looks to compliance with the terms of the 1968 Highway Act and another that the compromise merely precludes release of the funds until after the U.S. Circuit Court of Appeals for the District of Columbia agrees to hold a rehearing en banc on the *Three Sisters Bridge* case.

It seems that we all agree that there should be a balanced transportation system in the District. But on the other hand in every instance where we have had this subway funding issue before the House, there is always a reason given why the funds should not be released. In one instance, it was claimed that the Department of Transportation was dragging its feet; in another instance the District was dragging its feet, and in some instances it was claimed that the cost was just too high.

I agree that the President of the United States should exert his efforts to see that his executive department family cooperate. He has given us every assurance that he has put his executive branch behind a balanced transportation system for the District.

But now the courts have become the stumbling block by reason of the decision in the *Three Sisters Bridge* case. I am a farmer, not a lawyer, but I cannot follow the logic or reasoning of the majority opinion. For instance, Judge Bazelon finds that Secretary Volpe was intimidated by Congress even though he de-

nies it. Yet he finds that the District of Columbia City Council was not so influenced by Congress even though Council members claimed to have been so influenced. At the same time he raises the District of Columbia City Council to the stature of a legislature and says he will not go into a question of undue influence. Now, as a farmer, I would assign a mark of failure to that logic and decision. Furthermore, for those of you who have not read the decision, I commend it to you for reading. Judge MacKinnon, as I read his dissent, clearly marks the majority opinion as not adhering to the facts, lacking in logic, going far beyond the issues in its holding, and generally lacking in reason and commonsense. Make no mistake: the majority opinion is mischievous on a grand scale, a personal attack on Members of Congress, and a decision which must, as the President so indicates, be reversed if necessary by petition to the Supreme Court. So in conclusion I say that the Bazelon decision was a travesty. I also say that it is demeaning for the Federal judiciary generally to have judges engage in personal attacks in their decisions. I regret as I am sure most of you do that the judge engaged in personal attacks as he did in the decision. I thought this action was way out of line. I think the majority decision should be overturned and the President has clearly indicated he believes so, too, in that he will go to the Supreme Court if necessary to do it.

I want to make reference now to a letter that the President sent the Speaker on this matter yesterday and I wish to insert it in the RECORD at this point. In 1969 I voted for the subway for the good reasons stated at that time. In May of 1971, I supported my good friend, Mr. Natcher, on this same matter for the good reasons I stated then. Today I support funding for the subway for the above reasons and for the reasons stated in the President's letter:

THE WHITE HOUSE,  
Washington, December 1, 1971.

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

DEAR MR. SPEAKER: This week the full House of Representatives will consider the District of Columbia's 1972 appropriations bill. I believe it is imperative that the District's contribution to the Washington area rapid transit system be included in that bill.

In carrying out my commitment to develop a balanced transportation system in the National Capital region, I ordered the Attorney General to file a motion for a rehearing en banc of the Three Sisters Bridge case before the full U.S. Court of Appeals. That motion now has been filed. It is not possible to predict either the timing or the outcome of the court's action. Meanwhile, if we are to meet the region's future transportation needs, the Congress must act now on the District's contribution to the Metro.

Such immediate action is crucial for two reasons. First, denial of these funds risks losing the cooperation of the seven local governments which have contributed regularly and in good faith to this project—a loss which might well be final and hence fatal to the entire Metro. Second, each week of delay increases the costs to the taxpayers of the region and the nation by at least \$1 million. Besides these increased costs, these delays needlessly postpone the day when this mod-

ern subway will begin to serve the area's residents and visitors.

In my judgment, the well-being of the entire Capital region will be at stake when the House votes on the District of Columbia 1972 appropriation bill. At this critical time, I urge you to do all you can to keep Washington's Metro system alive and moving forward.

Sincerely,

RICHARD NIXON.

Mr. Chairman, this letter was delivered to me this morning. It is a copy of one that has been delivered to other Members of the House.

Finally, my friends, I want to make some reference also to the total appropriation that is included here. I think this demonstrates that my figures were not too far off when we passed the 1972 District of Columbia revenue bill a few weeks ago. But may I say, I, too, agree that the government of the District of Columbia needs some examination and we are doing that in the study commission I chair.

I thank the gentleman for giving me this time and I say again that I intend to support the President.

Mr. NATCHER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding this time. This is a very difficult question, especially for the Washington area Congressmen. Reasonable people can disagree on the best course of action. We all want a balanced transportation system in this area. I think that the Public Works Committee, the Appropriations Committee and, I am told, the pages on each side of the aisle all favor a balanced transportation system. There is no disagreement about that.

Mr. NATCHER has been very much unfairly maligned for his efforts to obtain such a balanced system. I am convinced he is a fairminded man doing what he thinks best to solve this difficult problem. When we started debate today I had not made up my mind on how to vote. However, I have listened to the debate and have considered the arguments of Members who are in favor of withholding the funds and those who are in favor of the immediate release of the funds. I find some of those urging that we release the funds without assurance that the highways will be constructed are persons who carried placards against the construction of Interstate 66 in Virginia.

We need this Interstate System because we are going to put a subway down the median strip. It is part of Metro. We need Interstate 66 to be completed so we can develop Dulles Airport to full capacity. We need the Interstate System to be completed to more readily get to the cultural center at Wolf Trap Farm. More important we need the highway program to be completed so that commuters can get back and forth from home to work. Certainly we need the highways in the District of Columbia so that once people get into the Capital City, they can get to their destinations. A good system of highways complements the highway system.

So I am supporting the committee in its effort to obtain a balanced system. We know that a law was passed requiring the construction of highways within the District of Columbia. We know that that law has not been complied with. The Department of Transportation has been pushing the subway system. It has been giving lip service to the highway program. I wish it would push as hard for the highways as it has been pushing for the subway. Both are essential if we are to solve the transportation problems of the Washington area.

We need an extra lane each way in our beltway on the Virginia side of the Potomac. It has been said that it is a huge parking lot because when cars are bumper to bumper they cannot get anywhere. People get very frustrated in congested traffic when they cannot go in any direction. If the Secretary of Transportation and if the President of the United States himself would indeed get behind the highways as strongly as they have gotten behind the subway system, we could have a balanced transportation system. Certainly I hope they will do so.

I wrote to the Secretary of Transportation some weeks ago and suggested that a writ of certiorari be applied for from the Bazelon decision. Judge Bazelon's position is untenable. I remember when he came to Washington. I worked under him down at the Lands Division of the Department of Justice. It was said he was a tax attorney. Now he seems to be an authority on everything. I believe anyone who reads that decision will step up here to the Clerk's desk and will sign the discharge petition to amend the Constitution and impose a 10-year limitation on the tenure of Federal judges with the right to be reappointed and reconfirmed. They will have to account for their stewardship at the end of every 10 years. Of course we want an independent judiciary but not an arbitrary one. The petition is at the Clerk's desk. I urge that you consider signing it. It is one way to assure strict constructionists on our courts.

Mr. Chairman, I am convinced that the action of the committee, if confirmed by the House, will expedite the completion of a balanced system of transportation. I hope that those who cry so loud for the subways, whether they are District of Columbia officials, the Secretary of Transportation, or the President, will push as hard for highways as they do for subways and then we can have the balanced system we talk about.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the remaining time, which I believe is 5 minutes, to the gentleman from Massachusetts (Mr. CONTE), a member of the committee.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Wisconsin for giving me this time.

Mr. Chairman, we are faced with a rather simple challenge today: Should we fulfill our legislative responsibilities by promptly releasing the \$72 million that represents the District's share for the Metro project—a project that Congress has emphatically authorized to be con-



structed and appropriated \$684 million in the DOT appropriation as the Federal share? Or will we continue to flout the legitimate interests of millions of area residents and visitors? Will we continue to indulge the mysterious whims of those who seem bent on creating an empty underground memorial to the second-class status that this city has too long had to endure?

Various arguments or excuses—call them what you will—have been advanced as justifications for withholding these funds. We have been told that the mandates of the Federal Aid Highway Acts of 1968 and 1970 have not been carried out. This controversy was raised during hearings held by my Transportation Appropriations Subcommittee last April.

Let us take a look at the facts. The 1968 act dictated that, within 30 days of enactment, work be commenced on, first, the Three Sisters Bridge; second, the Potomac River Freeway; third, the center leg of the inner loop, I-95; and fourth, the eastern leg of the inner loop, I-295. The Three Sisters Bridge is a special case which I will discuss later. As for the other three, design studies are in progress for the Potomac River Freeway and the east leg of the inner loop. And construction already has started on the center leg of the inner loop.

The act's further requirement that other aspects of the District of Columbia transportation system be studied were fulfilled with the reports provided to the Congress in February of 1970.

The 1970 act required a reexamination and a report to the Congress by December 31, 1971, of the east leg of the inner loop—I-295—and the north central and northeast freeways. The act also directed a study and a report of the north leg of the inner loop—I-66—but specified no deadline for submission.

The results of a consultant report on all these projects were released this week and the Department of Transportation has assured me that the December 31 deadline for the congressional report will be met.

This leaves the Three Sisters Bridge controversy. As everyone is aware, litigation concerning this structure is currently pending in the courts. The Justice Department has filed a motion for rehearing of the court of appeals' decision of October 12. The Department, which is as convinced as I am that both the District of Columbia and the Federal Government are in compliance with statutory requirements, is prepared to go to the Supreme Court, if necessary, to prove its case.

It should also be noted that the directives spelled out in the district court's decision on this matter apparently have been met. The court held that the District had not conducted a proper design public hearing. That hearing has since been held.

The court also directed that an analysis of the stresses in the design of the bridge be carried out. The Transportation Department has since constructed a model of the bridge and successfully completed its tests. These tests have shown that the project design structure is both feasible and safe.

To my mind, this chain of events resulting from the 1968 and 1970 acts, establishes not merely a good faith attempt, but an actual compliance with, the relevant statutory requirements. Consequently the denial of the subway funds cannot be justified on these grounds.

For a more detailed consideration of the legal complexities entangling the District of Columbia Interstate Highway System, I would direct my colleagues to pages 464 through 467 of part I of the fiscal 1972 transportation appropriations hearings. I am also submitting for the Record a copy of the Justice Department's brief in the *Three Sisters Bridge* case and a November 29 status report from the Federal Highway Administration as to the progress being made on the District Highway System.

I will discuss later in the day the even more crucial factors that demand a prompt release of these funds. Suffice it to say now that the attempt to hold the metrosystem hostage to the District of Columbia highway program has no legislative foundation.

Mr. Chairman, at this point I am here enclosing more pertinent material pertaining to progress on District of Columbia Interstate Highway segments:

#### FEDERAL HIGHWAY ADMINISTRATION

Progress on D.C. Interstate Highway segments as of November 29, 1971.

#### DISTRICT OF COLUMBIA RESTUDY

The restudy is now complete and all chapters have been sent to the printer. We have been advised by the District that a limited number of copies of the final printed report will become available early this week. FHWA staff is reviewing the draft chapters received to date, and preparing recommendations for the report to Congress.

#### THREE SISTERS BRIDGE

Last week, at the request of President Nixon, the Department of Justice filed a petition for reconsideration by the Circuit Court of the decision rendered on October 12, 1971, by the three judge panel. The petition seeks review by the full court. Should the petition fail, the case is to be taken to the Supreme Court.

#### POTOMAC RIVER FREEWAY

The National Capital Planning Commission is awaiting final concurrence from the consultant and the District's Corporation Counsel on the contract for land use studies and the preparation of a Sectional Development Plan for the Georgetown Waterfront. NCPD expects to have the contract executed and work under way by the end of this week.

#### SOUTH LEG OF THE INNER LOOP (LINCOLN MEMORIAL AND TIDAL BASIN AREA)

Preliminary drafts of an environmental impact statement and design hearing information reports have been reviewed and returned to the consultant for revisions. The design public hearing is scheduled for January 1972.

#### EAST LEG OF THE INNER LOOP (RFK STADIUM)

The D.C. Department of Highways and Traffic is working with the National Park Service on the joint planning and funding of that segment of the highway which will pass through Anacostia Park.

#### CENTER LEG OF THE INNER LOOP (WEST OF CAPITOL)

Work is proceeding on all segments of the Center Leg.  
NOVEMBER 29, 1971.

#### APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA United States Court of Appeals for the District of Columbia Circuit

No. 24,838, D.C. Federation of Civic Associations, et al., Appellants against John A. Volpe, Secretary of Transportation, et al., Appellees)

(No. 24,843, D.C. Federation of Civic Associations, et al., Appellees against John A. Volpe, Secretary of Transportation, et al., The District of Columbia, et al., Rogers C. B. Morton, Secretary of the Interior, et al., Appellants)

PETITION OF APPELLEES FOR REHEARING AND SUGGESTION THAT REHEARING BE HELD EN BANC

#### Opinion

The opinion of this Court, issued on October 12, 1971, is not yet reported.

#### STATUTES INVOLVED

Federal-Aid Highway Act of 1968, 82 Stat. 815, 827 (Section 23). 23 U.S.C. secs. 109, 134, 138.

#### REASONS FOR REHEARING EN BANC

The appellees respectfully petition this Court for a rehearing of this appeal and suggest that the rehearing be held *en banc*. Petitioners set forth the following reasons in support of this petition.

I.—AFTER THREE OPINIONS BY DIFFERENT PANELS OF THIS COURT, THIS CASE IS RIPE FOR EN BANC CONSIDERATION

This is the third major opinion of different panels of this Court<sup>1</sup> with respect to the Sisters Bridge across the Potomac between Georgetown and Spout Run on the Virginia side upstream from the existing Key Bridge. The facts are fully set forth in this Court's present and prior opinions, *D.C. Federation of Civic Associations, Inc. v. Atris*, 129 U.S. App. D.C. 125, 391 F.2d 478 (1968), and *D.C. Federation of Civic Associations, Inc. v. Volpe*, — U.S.App.D.C. —, 434 F.2d 436 (1970). The net effect of the decision is to place the construction of the bridge in almost the same posture that it was in when Congress declared in Section 23 of the Federal-Aid Highway Act of 1968:

(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I-266 (Section B1 to B2).

In short, in more than three years, except for a few concrete footings, and despite the foregoing mandate, the bridge is no nearer construction than it was in 1968. Regardless of the technical niceties of statutory construction and administrative review which have been applied to each and every attempt of the District of Columbia and the Secretary of Transportation to comply with this

<sup>1</sup>Footnotes at end of article.

Court's directions in the past, we submit that the time has come for this entire Court to review the situation as a whole, rather than piecemeal. We believe such a review will demonstrate the correctness of our view, previously rejected by two members of a panel of this Court, on the construction of Section 23 of the Federal-Aid Highway Act of 1968 and further that, under any reasonable standard of administrative review, the specific statutory requirements imposed by this Court's April 6, 1970, decision have been met. Finally, we shall show that, in any event, the strictures placed upon the Secretary of Transportation are such that it will be virtually impossible to build this bridge as directed by Congress.

II.—THE BASIC DECISION OF THIS COURT IN ITS APRIL 6, 1970, DECISION THAT ALL PROVISIONS OF TITLE 23 OF THE UNITED STATES CODE WERE APPLICABLE TO THIS PROJECT IS ERRONEOUS

At the outset, we note that, since design hearings have been held (the need for which had been denied by the Government), we had thought this aspect of the case had become moot. However, in this Court's most recent opinion of October 12, 1971, the validity of the 1964 hearings has been questioned (Slip Op. 18-19).<sup>2</sup> Consequently, we are constrained to reiterate our position that both the literal words of Section 23, *supra*, p. 3, and the legislative history fairly examined inescapably lead to the conclusion that only those provisions of Title 23 relating to construction and which would not delay beginning work on construction within the 30-day period specified are the "applicable provisions of title 23 of the United States Code." We do not here reiterate all of the details of the legislative history which support our construction of the Act, since that has been done in prior briefs. We do call the Court's attention specifically to the statement of the House Managers contained in the Conference Report to accompany S. 3418, House of Representatives, 90th Cong., 2d sess., Report No. 1799, p. 34. This document, virtually ignored by the majority in the April 6, 1970, opinion, we believe should be conclusive. For a thorough discussion of its importance, see Judge MacKinnon's dissent in 434 F. 2d at 453-454. We turn next to a *seriatim* discussion of this Court's determinations with respect to compliance with 23 U.S.C. secs. 138, 134 and 109.

III.—THE REQUIREMENTS OF 23 U.S.C. SEC. 138 WITH RESPECT TO PARKLAND WERE CLEARLY MET

Section 138 embodies the congressional intent that, wherever possible, parklands should not be used in the construction of highways. However, this is not an absolute prohibition for, as this Court has pointed out (Slip Op. 6):

\*\*\* the Secretary of Transportation must determine before construction can begin that there is "no feasible and prudent alternative to the use of such land," and, assuming such a finding, that "the project includes all possible planning to minimize harm to such park..."

This Court refers to these two findings as "determinations" and declares (Slip Op. 10):

While these difficulties [with the first determination] give rise to at least a substantial inference that the Secretary failed to comply with § 138, that inference ripens into certainty when one turns to the second determination required by § 138.

We address ourselves separately to each of the determinations, resolving both "inferences" and "certainties" as to compliance with Section 138.

A. The testimony of the Secretary of Transportation meets all requirements of Overton Park and establishes, pursuant to Section 138, that there is no feasible or prudent alternative to the use of parkland. In *Citizens to Preserve Overton Park v. Volpe*,

401 U.S. 402 (1971), the Supreme Court remanded the case to the district court for review of the Secretary's decision under Section 138, including possible testimony by the Secretary and others, "to determine if the Secretary acted within the scope of his authority and if the Secretary's action was justifiable under the applicable standard." 401 U.S. at 420. As in *Overton Park*, this Court also expressed difficulty with the failure to develop a satisfactory administrative record. What this Court failed to acknowledge is that such an absence was due to the fact that the Secretary himself made the vital Section 138 determinations, having personally involved himself: "In the attempts to solve the rapid transit-freeway impasse which preceded the August 1969 approval of the project," *D.C. Federation of Civic Associations v. Volpe*, 316 F. Supp. 754, 760 (fn. 12) (1970). See 316 F. Supp. 769 (the Secretary has reserved for himself the crucial decision required by Section 138 for parklands [Tr. 641]; also 771 (did in fact make the required determinations in connection with his decision to approve the bridge project [Tr. 712-713]); and 773 (an exhaustive personal review)).

The five-hour testimony of the Secretary is consistent with the requirement for review of Section 138 actions as provided in *Overton Park*, *supra*, p. 6. In a few cases, "It may be that the only way there can be effective judicial review is by examining the decision-makers themselves." 401 U.S. at 420.

Having established by testimony a record of the personal decisions and actions made by the Secretary, this Court must review those actions within the review criteria for Section 138 decisions set forth in *Overton Park*.<sup>4</sup> The Supreme Court listed those criteria as (at 401 U.S. 415-417): (1) whether the Secretary acted within the scope of his authority; (2) whether the actual choice made was not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law—a decision based on a consideration of the relevant factors and whether there has been a clear error of judgment; (3) whether the Secretary followed the necessary procedural requirements—to state his reason for allowing the use of parklands.

In applying the above criteria to the testimony of the Secretary, it can be seen that his determination conformed to the standards of *Overton Park*. Mr. Volpe established that he had studied many documents concerning parklands and alternatives (Tr. 770, 773-774, 793); consulted with various community representatives on whether the bridge should be built (Tr. 801-802, 817); considered various alternatives, such as no bridge, a tunnel, a different location (Tr. 712-713, 724, 778). For this Court, then, to determine that the Secretary's actions, as represented in his own testimony, do not conform to the standards for passing judicial review is, in effect, to disbelieve his testimony and to impugn his credibility, as well as to reject the factfinding determinations of the district court. The cautionary directives of the Supreme Court in establishing Section 138 review criteria are appropriate: "The Secretary's decision is entitled to a presumption of regularity (401 U.S. at 415); '[t]he court is not empowered to substitute its judgment for that of the agency' (401 U.S. at 416). Particularly when the trial judge found that the Secretary's testimony was 'honest' and 'straightforward' (316 F. Supp. at 761, fn. 12) and 'forthright' (316 F. Supp. at 771), the suggestion by the court that Mr. Volpe's testimony 'itself gives rise to at least a serious question whether he considered all possible alternatives to the plan eventually approved' (Slip Op. 8) is unjustified. Mr. Volpe did so testify and, if this Court is convinced that he is not to be believed, it has committed plain error. The resolution of factual questions is not the function of an appellate court." *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S.

100 (1969); *United States v. U.S. Gypsum Co.*, 333 U.S. 364 (1948). As this Court recognized, "We must point out again that it is not the function of this court to evaluate the credibility of the witnesses in determining whose version of the factual setting is correct." *Orient Mid-East Lines, Inc., v. Cooperative For A.R.E., Inc.*, 133 U.S. App. D.C. 307, 410 F.2d 1006, 1009 (1969). We submit that this doctrine is even more applicable when it is the review of a district court's review of administrative action of a public official.

Based on Mr. Volpe's testimony, the district court determined in effect that the criteria of review subsequently announced in *Overton Park* were satisfied. The decisions made by him were within his statutory authority and were neither arbitrary nor capricious, nor without regard for a consideration of the relevant factors. The requirement for procedures adequate to provide a record (the reason for remand in *Overton Park*) was satisfied by his exhaustive testimony (consistent with that suggestion in *Overton Park*). Therefore, it was error for this Court to conclude that the feasible and prudent alternatives may not have been considered and infer a failure to comply with Section 138.

B. The determination by this Court that "inference ripens into certainty" concerning failure to comply with the Section 138 determination to minimize harm to parkland is an incorrect interpretation of both the statute and *Overton Park*. The second "determination" discussed by this Court at pages 10-11 of the slip opinion as to Section 138 provides: "(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use." The Secretary testified that once it has been established and determined that parklands must be used, the obligation to minimize harm to such lands as required by Section 138(2) is a continuing one, beginning on the day that it is determined such lands are necessary, and continuing through the actual construction, operation and ongoing maintenance of the structure. As to such planning, the Secretary would continue to do whatever "was needed to be done in order to minimize the impact on park lands" (Tr. 737). Few alternatives as to the magnitude of harm would be available regardless of the above commitment, for "there are not too many ways in which you can get traffic on to and off a bridge. As a matter of fact, there are really only about two ways in which you can do it, and yes, we looked it over" (Tr. 737). To require a one-time determination of "minimized harm," rather than a continuing responsibility in keeping with the intention of the statute, is not justified. There will be ways to minimize harm to parklands, even on the last day of construction, that no one is now aware of. But a determination and approval of the project must be made at some point, if it is to receive funding. The interpretation of this requirement by the Court is basically a Hobson's choice for, if approval of the bridge cannot be had until all situations are met, and if such situations may not arise until far into construction, it would never be possible to construct the bridge, for approval would always be "premature."

IV.—THE PUBLIC ROADS DIVISION ENGINEER'S DETERMINATION THAT THE PROJECT IS BASED ON A CONTINUING COMPREHENSIVE TRANSPORTATION PLANNING PROCESS FOR THE REGION WAS NOT THE RESULT OF AN IMPROPER DELEGATION OF HIS AUTHORITY

Section 134 provides in part:

After July 1, 1965, the Secretary shall not approve under § 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by

Footnotes at end of article.



States and local communities in conformance with the objectives stated in this section.

Under this section the Secretary is charged to determine, before approval of a project, that the project is based on a continuing comprehensive transportation planning process for the region. The Secretary has delegated this responsibility to the Public Roads Division Engineer (Mr. Hall). In this Court's decision, the majority determined that Mr. Hall had improperly delegated his authority to make this decision to the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments (COG) (Slip Op. 13). This Court "found" that Mr. Hall was acting only as a rubber stamp for TPB. Even if such a finding were within the province of this Court (which we deny), there is no support in the record for such a finding. The testimony demonstrates that Mr. Hall fully discussed the issue with his staff (Tr. 1109-1110). Further, Mr. Hall had an intimate knowledge of TPB's planning process, since he either attended their meetings or read the minutes of each meeting (Tr. 1282). Thus, he was in a unique position to make the Section 134 determination due to his personal knowledge of the functions of the Board. Nowhere in the record is there any evidence that Mr. Hall delegated his authority. Mr. Hall knew personally of TPB's continuing comprehensive planning process. To say that this constitutes a delegation of authority on his part is clearly an unwarranted assumption by the Court.

Furthermore, there is no justification for the implication that the National Capital Planning Commission (NCP) need be consulted in making a Section 134 determination and the characterization of TPB's approval of the Three Sisters Bridge as "stale." The fact that Mr. Hall did not rely on NCP or its published plan in making the Section 134 determination is irrelevant. It is clear that TPB is the duly constituted agency of the concerned jurisdictions which regard to regional transportation planning and, as such, is the only agency which fulfills Section 134's requirement that the planning process be carried on cooperatively by the states and local communities. NCP deals strictly with problems concerning the District of Columbia. Further, nowhere in Section 134 is there a requirement that the agency carrying on the regional planning process have a specific published plan.

The TPB gave formal approval to the bridge in 1967, only four years ago. Since then TPB has been engaged in an ongoing process of evaluation regarding the regional transportation system and throughout this period has never seen fit to revoke its approval of the bridge. It is hard to conceive how, in light of TPB's continued re-evaluation, its approval of the bridge can realistically be declared "stale."

V.—THE SECRETARY'S DETERMINATIONS THAT THE BRIDGE WILL BE SAFE, DURABLE AND ECONOMICALLY TO MAINTAIN, FULLY COMPLY WITH THE REQUIREMENTS OF 23 U.S.C. SEC. 109(a)

Section 109(a), Title 23 U.S.C., requires that the Secretary's approval of plans and specifications for a federally-assisted highway project to be conditioned on a determination that the proposed facility "will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; \* \* \*"

The plaintiffs contended that Section 109(a) was violated because questions regarding the stability of the riverbed, the possible effects of air pollution, and the structural feasibility of the bridge, were not resolved by the Secretary prior to approval.

The district court rejected the contention concerning the riverbed's suitability, finding that (1) the problems which developed with respect to the riverbed were not "such as would render [the] approval of the preliminary plans violative of § 109," and that (2) "It is only after the commencement of the actual excavation for the pier foundations that the engineers can be certain that subsurface conditions are sufficient to support the piers" (316 F. Supp. at 790-791). The majority overturned those findings, evidently reasoning that, since the engineers had to excavate deeper than originally anticipated to reach solid rock for pier foundations, the safety was not *absolutely* "certain" (Slip Op. 16-17). This is plainly contrary to established engineering practice and experience (Tr. 601, 604) and patently unrealistic. The majority specifies no basis whatsoever for holding these findings "clearly erroneous."

The plaintiffs' second contention, also rejected by the district court and adopted by the majority, is that the Secretary's failure to certify the absence of air pollution hazards also invalidates the approval under Section 109(a). Section 109(a) contains no such requirement and, in any event, the Secretary testified that "air pollution was an overall consideration in this as well as all interstate highway projects" (Tr. 811; 316 F. Supp. at 775), and the district court was not convinced from the evidence "that air pollution was a hazard sufficient to require a study of such effects before a finding, that the project is safe as planned, could be made (316 F. Supp. at 791). Once again, without furnishing any basis for concluding that the district court's assessment of the facts was "clearly erroneous," the majority rejected the findings below (Slip Op. 18)."

VI.—THERE IS NO BASIS IN LAW OR FACT IN THIS COURT'S SUGGESTION THAT THE SECRETARY'S DECISION SHOULD OR COULD BE REJECTED IF BASED IN WHOLE OR IN PART ON PRESSURES EMANATING FROM REPRESENTATIVE NATCHER

While it might be said that much of Part II of this Court's decision (Slip Op. 23-31) is dictum with respect to the alleged extraneous pressure because of the inability of the majority to agree on the facts, we believe it necessary to discuss it, if only to point up the unjustified strictures the decision places upon the Secretary. Moreover, the court does hold (Slip Op. 25):

\* \* \* that on remand the Secretary must make new determinations based strictly on the merits and completely without regard to any considerations not made relevant by Congress in the applicable statutes. and concludes (Slip Op. 31):

He was placed, through the action of others, in an extremely treacherous position. Our holding is designed, if not to extricate him from that position, at least to enhance his ability to obey the statutory command notwithstanding the difficult position in which he was placed.

Insofar as this means that the Secretary's mere awareness of pressure emanating from Representative Natcher is alone sufficient to invalidate a subsequent administrative decision, we submit that the decision is wrong. There is no basis in law or fact to overturn an administrative decision of this nature because of alleged extraneous pressure of this sort. The facts of political life are such (and we use political in the broad, rather than partisan, sense) that it is idle to pretend that our administrative officials, unlike the rest of the world, should make their decisions in a vacuum. We are not dealing with some wrong, such as bribery or fraud influencing a decision, whether adjudicatory or not. In that case, there would be no question of invalidity. Here, the court's vague discussion (Slip Op. 27) of the possible distinction be-

tween "judicial" and "legislative" matters is irrelevant. Equally without merit is its attempt to read into *Overton Park* or *S.E.C. v. Chenery Corp.*, 318 U.S. 80 (1943), some justification for the grey area between adjudicatory and legislative decisions in which it has placed this decision concerning the effect of extraneous (*de hors* the record) influence.

Finally, the principle articulated by the majority, in the extreme, deprive an administrator of absolute control over the lawfulness of his own actions. They would become vulnerable to circumstances completely beyond his reach. The effectiveness of an administrator should not be subject to such uncertainty. The courts should require no more than that administrative decisions be consistent with, not violative of, the applicable legislative criteria. Where they are found to be in keeping with statutory standards, considerations irrelevant to administrators' actions are equally irrelevant to the courts' review.

The Secretary was demonstrably candid when he testified that he was aware of the "pressure" of Representative Natcher's well-publicized views, including the freezing of subway funds. Indeed, it would scarcely be credible had he stated to the contrary. Nevertheless, he testified under oath that he made the requisite decisions as his own, although he was aware of the "pressure." In a well-reasoned decision, the district court explained this (317 F. Supp. 762-768) and, after a full discussion of the relevant factors, stated (317 F. Supp. at 765-766):

The Court believes the Secretary's testimony that his decision was based on the merits of the project and not solely on extraneous political pressures. We think it appropriate to quote in full Secretary Volpe's statement in response to the question (317 F. Supp. at 766):

[Secretary Volpe] I would say that political pressure was not a factor at all in my judgment. I was approached, yes, by Congressmen who wanted the Freeway System built. Some wanted the Three Sisters Bridge built, some did not. I had all kinds of requests, but I had been in Washington before. Many of the members of Congress I knew personally and intimately, and they know I don't bend very easily. They did bring to my attention facts and their hope that I would consider all these facts in the judgment that I made as to whether or not the Three Sisters Bridge would be included or re-included in the Interstate System. And it was on the basis of all the facts, as I brought them together in the 4-F areas that I have spoken about that I made my final decision.

[Mr. Owen] Mr. Secretary, Mr. McKevitt asked you about political pressure. In the summer, July and August of 1969, it was your hope, was it not, that the Congress would release the Subway funds?

[Secretary Volpe] Of course. Yes.

[Mr. Owen] Did that hope in your mind have any influence at all on your decision to put the Three Sisters Bridge project in the interstate system at all?

[Secretary Volpe] It would have had absolutely no bearing on my decision if I had felt the Three Sisters Bridge was not essentially necessary. I found it was essentially necessary; therefore, that was the reason for my proceeding along the lines I did, hopeful that the Congress would release the funds for the transit system, because I knew that one without the other, in this case, would not have done the job.

We believe such candor deserves more credit than this Court was willing to give, particularly in view of the findings by the district court which heard the witness and was in the best position to judge his credibility.

## CONCLUSION

As we have endeavored to set forth above, this Court has overstepped the permissible bounds of judicial review and substituted pure speculation, with no support in the record, for the clear findings of the district court, which are supported. In so doing, this Court has placed so many obstacles in the Secretary's path that he could never authorize federal funding. In almost each instance, this Court has established ground rules for compliance with the relevant sections of Title 23 which appear to require knowledge that could be acquired only after completion of the bridge before it can be authorized. For the foregoing reasons, rehearing should be granted, the district court's decision should be affirmed, and construction of the bridge as planned should be authorized to be carried out.

Respectfully submitted,

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NOVEMBER 1971.

## FOOTNOTES

<sup>1</sup> There is, as might be expected, some overlap among the panels.

<sup>2</sup> We remain convinced that all requirements of 23 U.S.C. sec. 128 have been met, including a location hearing.

<sup>3</sup> Indeed, this personal involvement obviated the informal internal procedure involving the Department's Office of Environment and Urban Systems—the only procedure in effect at the time of the Section 138 determinations. Consequently, there is no significance in the Court's statement (Slip Op. 8) that the Department had not followed its own procedures.

<sup>4</sup> We respectfully submit that judicial review does not include that which basically amounts to a "second-guessing" of his determinations. As such, we find no justification for statements as: "It is hard to see how, without the aid of any record, the Secretary could satisfactorily make the determinations required by statute" (Slip Op. 8); "It is possible, however, that the Secretary might have given that alternative (no bridge at all) \* \* \* more extensive consideration if his Department had not been convinced \* \* \* that 'no bridge' was not a viable alternative \* \* \*" (Slip Op. 10, fn. 26).

<sup>5</sup> See Rule 52(a), F.R.Civ.P. establishing the "clearly erroneous rule."

<sup>6</sup> As a matter of fact, Mr. Hall did take into account the NCPC position on this matter (Tr. 496).

<sup>7</sup> The majority agreed with the district court (and the plaintiffs) that the federal defendants improperly certified that the proposed bridge is structurally feasible, because the planning had not yet proceeded to a degree permitting such a determination (316 F. Supp. at 791-793; Slip Op. 15-16). Subsequent to the decision, studies have been completed and successful tests have been made on a model of the bridge for safety. Thus, the "structural feasibility" issue should be out of the case.

Mr. BOLAND. Mr. Chairman, I support the amendment that will be offered by the gentleman from Connecticut (Mr. GIALMO).

Much has been said about the decision of the Court of Appeals for the District of Columbia affecting the building of a bal-

anced transportation system for this area. I disagree with the ruling by Judge Bazelon and concurred in by Judge Fahy. The dissenting opinion of Judge MacKinnon is, in my judgment, by long odds, a far superior statement of the law, and the facts in the subway controversy. There is no doubt that Judges Bazelon and Fahy have injected themselves into the legislative process that is reserved to the Congress.

But, Mr. Chairman, I am not interested in a confrontation with the judiciary. I am looking for the solution to the subway problem. That solution is now before us. It is simple. It requires only that the Congress approve the pending amendment and the terribly complex task of building the Metro system can proceed in an orderly an effective manner.

Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Connecticut (Mr. GIALMO).

Mr. FRENZEL. Mr. Chairman, in my own State there is scarcely a major highway project that has not been delayed because of objections of local units of government or local citizens. The people of my State have not had to suffer deprivation of other Federal funds because in some instances our highway programs have been delayed.

The congressional action in holding up Washington subway funds until certain highways projects have been completed is, in my judgment, irresponsible and is not matched by similar congressional action in any other part of the country. If we were to hold up funds in any of our States, the congressional uproar would be deafening, and the funds would be released forthwith.

Mr. Chairman, the Congress has already decided to go forward with the Metro Subway in the Washington area. Suburban communities in Maryland and Virginia have made their contributions per the original agreements. Washington, D.C., cannot make its contribution because of the congressional refusal to appropriate these funds.

In my judgment, we must vote today to appropriate these funds so the Metro Subway project can go ahead on schedule. We have done enough in deferring this project now to increase its costs substantially. In the interests of responsibility, economy and the general welfare, we should vote to liberate the subway funds today.

I also note, Mr. Chairman, that the President of the United States has taken a special interest in freeing up these funds. Through his representatives he has requested each of us in the Congress to support this amendment. I intend to follow his leadership, because I believe that it is the path of responsibility.

Mr. MIKVA. Mr. Chairman, I will support the amendment that will be offered by my friend and distinguished colleague from Connecticut (Mr. GIALMO) releasing the District of Columbia's share of funds for the construction of the Metro.

My experiences as a member of the District of Columbia Committee have reinforced my belief that the people of

the District of Columbia ought to be given the opportunity and the responsibility for running their own affairs, since they have to live with the results.

Time and again we have been confronted with the argument that Congress must maintain an active role in planning and implementing municipal programs for the District of Columbia, on the grounds that Washington is the Nation's Capital, the home of the Congress. The city must be a model for the Nation, the argument goes, and only congressional control will insure against inefficient, ineffective local government.

Mr. Chairman, it is impossible to imagine any local government anywhere being less responsible, less efficient, and less effective than the Congress has been in connection with the construction of a subway system for the District of Columbia.

Under the original agreement and plans for the Metro, each of the three metropolitan area jurisdictions is obligated to provide a share of the funds. These local moneys are then to be supplemented by Federal funds from the Department of Transportation. Maryland has duly tendered its share of the money. Virginia has come up with its agreed share.

The Department of Transportation has gone beyond what is required by pledging its share of funds in spite of Congress refusal to cough up the District's share. Only the District of Columbia has failed to live up to its part of the bargain, and only this Congress and only this House is responsible for that delinquency.

We have permitted the progress and the very fate of the city's subway system to become entangled in congressional politics beyond any reason or excuse. Mr. Chairman, it is time we stopped the merry-go-round and let the Metro off.

Congress is clearly on record in favor of a balanced transportation system for the District of Columbia, including highways and mass transit. The District of Columbia government has also pledged its good faith efforts. So have the Department of Transportation and the President. Yet the House continues to permit the Metro funds to be held hostage for the satisfactory performance of parties over whom neither the Congress nor the city government nor the administration properly has any control.

It is not merely the funds which are being held hostage. It is the millions of people in the Washington metropolitan area who need the transportation services which the Metro would provide. It is the millions of tax dollars which are being wasted by the unconscionable delay in construction caused by the shenanigans of this House.

There can no longer be any excuse for withholding the Metro funds owed by the District of Columbia. I urge my colleagues to support the Gialmo amendment reinstating the Metro funds in the appropriation bill. I am confident that this House is capable of overriding whatever petty jealousies may have stood in the way in the past, and will act in a responsible fashion. If we do not, we will



make it clear not only that plantation politics are the order of the day, but that we cannot ever run the plantation efficiently.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

The NATCHER (during the reading).

Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and be open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to be made to the bill? The Chair hears none.

#### AMENDMENT OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Chairman, I offer an amendment on behalf of the Committee.

The portion of the bill to which the amendment relates is as follows:

#### LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), \$29,600,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the highway fund, \$8,000,000, to the water fund, \$6,000,000, and to the sanitary sewage works fund, \$15,600,000.

The Clerk read as follows:

Amendment offered by Mr. NATCHER: After "by" insert "the Act of May 18, (68 Stat. 110, 105), the Act of June 2, 1950 (64 Stat. 196), and".

Mr. NATCHER. Mr. Chairman, this amendment is merely to insert the citations of authorizations for the loan appropriations in the bill. These citations were inadvertently omitted in the budget language transmitted to the Congress.

At this time, Mr. Chairman, I respectfully request that the amendment be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. NATCHER).

The amendment was agreed to.

#### AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The additional portion of the bill to which the amendment relates is as follows:

#### CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, \$228,842,000, of which \$7,723,000 shall be payable from the highway fund, \$9,565,000 from

the water fund, \$64,510,000 from the sanitary sewage works fund and \$10,200,000 from the metropolitan area sanitary sewage works fund: *Provided*, That \$10,607,100 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1973, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefor shall lapse.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 2, line 13, strike "\$29,600,000" and insert "\$102,086,000."

And on line 16, after the word "To" insert the following: "The general fund, \$72,486,000, to".

And on page 9, line 22, strike "\$228,842,000" and insert "\$301,328,000".

Mr. GIAIMO. Mr. Chairman, this amendment addresses itself to two paragraphs in the bill, and deals with Metro. I ask unanimous consent that both parts of the amendment be considered at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Chairman, my amendment is to restore \$72,486,000 into the appropriation, which will provide for the District of Columbia's share for the present fiscal year and for the fiscal year just passed—1971—wherein we did not fund the District's share of the Metro funds.

We have had a lengthy discussion today about the necessity of continuing with the subway. I have said at all times that I agree with my chairman, Mr. NATCHER. We must have a balanced transportation system; We must carry out the mandate of the law insofar as the highway program is concerned, which means the Three Sisters Bridge, the roads allied and tied to it, and the construction of the Metro.

I submit that the District is in compliance in all aspects. I submit that the District is carrying out the mandate of the Highway Act. Part of carrying out the law implies completion of all processes before construction can begin, and this includes the rights of people

who feel so grieved by a law that they appeal to the U.S. courts. This is happening at the present time.

Whether we like the decisions of the courts or not—and I am not pleased with the decision of the appellate court in this instance—the fact is that we are all duty bound to obey the mandates, injunctions, and issues of courts in this Nation. The orderly process is under the doctrine of the separation of powers to allow the judicial branch to exercise its will and its decisions unencumbered and not threatened or harassed in any way by either one of the other two separate and equal branches of Government. Just as we oppose the encroachments of the judiciary into legislative affairs, I equally object and must object to encroachment of the legislative branch into the functions of the judicial branch.

Mr. Chairman, we keep mentioning the highway program and the Three Sisters Bridge. It is my understanding, however, that with regard to all other aspects of the highways there is no disagreement at the present time. The disagreement presently boils down to the controversy over the Three Sisters Bridge and those highways which are allied with and dependent upon its resolution before they can proceed. It is the construction of the bridge and its highways which is still in issue and which will be determined in the courts. Because of that fact, we as a Congress have taken the position that because you have not started construction—and parenthetically you cannot start because a court has enjoined you from doing so—we are not going to fund the Metro. With each passing week and month that we delay the continuation of the Metro—and we will if we do not give them the money today—we are increasing the cost of Metro; we are paying tribute to the inflationary spiral in which we live, with the result that the ultimate cost of Metro is going to be much more than anticipated.

More importantly than that, the Congress has, as we should, in earlier days funded the Federal share of the cost of Metro. This very committee voted this year to fund in the DOT appropriation bill the two-thirds Federal money which goes to the Metro. This money is available for use by Metro.

In addition to that, the surrounding communities which contribute their one-third share to Metro have made payments, and they are threatening to cease their payments on January 1 because of the fact that the District of Columbia does not have its one-third payment with which to meet its obligation under the law.

This is going to create chaos. We are literally threatening the very existence of the subway.

Let me say this, also. We are all committed in this Nation to the concept of mass transit. We recognize in today's world that we cannot choke our cities with increased highways, increased automobiles, and insufficient mass transportation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, we are all committed to this concept of mass transportation. Here we are in our Nation's Capital—not only the city of Washington with its 700,000-plus people but also the burgeoning surrounding communities and suburbs with well over 1.5 million people, if not more—where this Congress decided it needed mass transportation and a subway, and now we are going to threaten its existence because of the controversy over whether or not we ultimately are going to build a bridge which I want to see built.

We have to build this subway. This Congress mandated and ordered it. We run the very real risk—and this is not an idle threat because they cannot continue to enter into contracts since their moneys which they have already received have been committed of utterly destroying the subway, as this Congress has done in other programs after it has expended \$500 million or more on them. It is not an impossibility. We have seen it happen this very year in other programs, and we should not run the risk.

Certainly, we are going to add tremendously to the total cost of Metro if we do not proceed at this time.

Now, Mr. Chairman, we hear about some compromise situation, which my colleagues on the Republican side have mentioned, to the effect that if the Federal court will set a date certain for a hearing we can then put this money, which we are holding back, into a supplemental.

I would remind the members of the committee that we hope to be leaving here within a few days. We will probably not be back until the middle of January, and I am certain that a supplemental will not be before this House until well into February or even March or April.

So, in a sense what we are doing is delaying something which we know we must do at great cost to ourselves.

Mr. Chairman, it is very easy to vote against the District of Columbia. It makes no mileage for you in your home town one way or the other. I find myself with strange alliances today. I find my Speaker in opposition to me on this amendment. I find the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), in opposition to me, and I find myself in alliance with the President of the United States, and I am delighted. There is no mileage in it for the President either, except his responsibility to do what he thinks is right for the District of Columbia. President Nixon has said, "Put the money in now." That is exactly what his words mean—no arrangement with the court, no interference with the court, no delay. Metro needs the money, and it needs it badly.

It is because of this fact that many of us have been working and disagreeing, as it is most difficult to agree on all matters in our Appropriations Committee. I wish to pay tribute to the gentleman from Massachusetts (Mr. CONTE) who has worked with me on this amendment and who has helped in the drafting of it and in working toward persuading those who are not as familiar as he, serving as a member of the Subcommittee

on Transportation, with mass transit problems and transportation. He has worked long and hard on this with me, as has the gentleman from Wisconsin (Mr. OBEY).

Mr. Chairman, we have no interest other than interest as citizens in our city, our adopted city, our city in the sense that Washington is the city of every citizen of the United States. We want to have a good Metro system, and we want it built as expeditiously as possible.

So, I urge you to let us not delay in this matter. Let us proceed. Let us understand that even though we do not agree with Judge Bazelon and the court of appeals, we as Members of Congress, under our oath, must defend and uphold the Constitution of the United States. I recognize that at times certain Federal judges do not always act in a manner in which we would like for them to act. We recognize the legislature of this Nation, and we should not interfere with the orderly processes of the judiciary. They will ultimately come to a decision on the Three Sisters Bridge. It may be favorable, or it may be unfavorable. Whatever the decision, it will then be the law of the land as far as the highway program and the Three Sisters Bridge is concerned.

Mr. Chairman, reference was made to an appeal to the Supreme Court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Chairman, I urge support of the amendment.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Chairman, at this point I would be constrained to object.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Kentucky for slowing down this subterranean SST until Congress has had a chance to examine the merits of the project in all of its aspects.

Mr. Chairman, I oppose the District of Columbia subway. In this respect I go beyond the position of the gentleman from Kentucky. I oppose the subway regardless of whether freeways and bridges are built. I oppose the subway, as conceived, even if it cost what its sponsors claim, but I am inclined to agree with Chairman NATCHER it will cost closer to double this amount.

I would oppose the whole idea of a subway, not only for Washington, D.C., but for any other metropolitan area, including my own city of Baltimore.

I oppose the subway on five broad grounds. First, the expense. Its sponsors estimate \$2.5 billion. This has been updated to \$3 billion. The chairman estimates that it may cost as much as \$5 billion, and I respect his judgment on this estimate.

What does this sum mean? If we take the \$3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional

district. If we take the \$5 billion figure, we could give each family a new car and throw in a swimming pool besides. That is what this subway means, and what its cost involves.

If each of the 13 metropolitan areas of the United States now planning subways—and I have a list here—gets as good a subway as Washington, and who can say they should not then the costs are going to run between \$50 billion to \$75 billion.

Originally I described this subway as a subterranean SST but, compared to the SST, the cost of a subway for all the major U.S. population centers, would be a real budget buster.

Jonathan Swift wrote "Gulliver's Travels," and in it he had a country that was peopled with giants that was called Brobdingnag. Forgive me if I indulge my taste for alliteration by calling this a Brobdingnagian budget buster.

My second broad reason for opposing the District of Columbia subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of crime in subways. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate than they do in New York City. We have a higher crime rate per capita. But the real reason people are loath to take subways is inconvenience. People just do not want to use mass transportation.

In connection with this, the University of Marquette surveyed 1,000 households in 1955; 56 percent of the respondents said they would use their automobiles to go to work, no matter what was done to improve transit.

Says Wilfred Owens, in his authoritative book, "Metropolitan Transportation Problem," published in 1956:

The best subway in the world built to serve an environment based on individual transportation will fail.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a moment?

Mr. LONG of Maryland. I cannot yield at the present time because I have been denied extra time.

Says Wilfred Owen in his book:

In sum, where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use subway? In order to get the people to use the subway you would have to close off the city to the automobile. But if you do this, then express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in and around Washington, D.C. The beneficiaries will be mostly Federal employees already enjoying



higher salaries and fringe benefits than the taxpayers back home.

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

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland be granted 5 additional minutes.

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

Mr. HALL. Mr. Chairman, reserving the right to object, I think the gentleman from Maryland's remarks are most worthwhile. I am not going to object to his having an additional 5 minutes, but I see no point in coming in early, missing committee meetings and repetitively belaboring what has been said over and over again on something on which we have already made up our minds, as we hasten toward adjournment.

Therefore, I do serve notice, although I withdraw any reservation at this time, that in the future I will object to requests to extend time, especially when made before the fact of initially allotted speaking time.

Mr. Chairman, I withdraw my reservation.

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

There was no objection.

Mr. LONG of Maryland. Mr. Chairman, now the beneficiaries will mostly be Federal employees who are already enjoying high salaries and fringe benefits—much higher than the taxpayers back home. Can we justify asking your people and my people to pay more taxes and to get along with pollution, inferior schools, and inadequate incomes and medical care for the elderly, so that high-paid Federal workers can get to work a little quicker at the taxpayers' expense? Most of the really high-paid workers will not use it. What they have in mind, I think—what a lot of people here have in mind—is let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally gratuitous to plunge into a \$3 billion to \$5 billion program when we have not developed the rapid rail facilities that already exist here and now in Washington, D.C.

I want to quote from a metropolitan area transportation study, Senate Document No. 117, 90th Congress, published on October 11, 1968:

Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative. Such an alternative could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption

to existing land use, and could be operational within a year's time.

That was 3 years ago when they said it could be operational within a year's time.

Why does the District of Columbia not take this quick, cheap, minimally disruptive program? Probably because it does not cost enough—there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers and the like.

I saw this happen right here on our own parallel bridge in Maryland. When a project is scheduled to cost hundreds of millions of dollars, the flies gather around the honey and nothing can stop it.

My fifth objection is that mass transit is not the answer to the congestion of our large cities especially here in Washington.

The answer is to stop locating so many government agencies in Washington and decentralizing our government back home—in your district and mine. We are trying to put too many angels on the head of a pin—and most of the angels are not very angelic.

The District of Columbia even if it works—would merely encourage further congestion.

Here let me close by quoting Lewis Mumford in his great book "Culture of Cities":

While congestion originally provided the excuse for the subway, the subway has now become the further excuse for congestion.

I urge that we vote this amendment down.

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

Mr. LONG of Maryland. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I am amazed at the gentleman's comments on subways because I normally find the gentleman so sensible in his comments on so many other matters.

First, with respect to pollution, near 70 percent of the pollution in major urban areas in this country comes from the use of the automobile. That is No. 1.

Second, the gentleman said that with the saving of \$2.5 billion to \$5 billion we could build swimming pools and houses for a great many people. But if you do not provide the funds to build the subway in the District of Columbia and subways in our cities, they will strangle and not be worth living—

Mr. LONG of Maryland. Is the gentleman making a speech or asking a question?

Mr. KOCH. I asked the gentleman if he would yield for a comment.

Mr. LONG of Maryland. I think the gentleman should make his comments on his own time and not on mine. The gentleman speaks of pollution. He comes from a city which has a subway. I want to ask him if he has noticed any diminution in air pollution in New York City as a result of the existence of that subway? You have the highest pollution rate of any major city.

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

Mr. LONG of Maryland. I yield to the gentleman from Iowa.

Mr. GROSS. And the New York City subway is bankrupt, is it not?

Mr. LONG of Maryland. Bankrupt? It cannot even cover its operating expenses. Besides not paying enough to cover the original investment, interest and depreciation, it cannot even cover the salaries and maintenance costs.

Mr. GROSS. And the city is \$5 to \$6 billion in debt.

Mr. LONG of Maryland. That is correct.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized.

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

The CHAIRMAN. The Chair will count.

Seventy-three Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 425]

Abbitt	Derwinski	Metcalfe
Abernethy	Diggs	Murphy, N.Y.
Alexander	Dorn	Pepper
Anderson,	Dowdy	Pucinski
Tenn.	Edwards, La.	Quillen
Andrews, Ala.	Ellberg	Railsback
Ashley	Evins, Tenn.	Reuss
Belcher	Flynt	Riegle
Blanton	Foley	Roberts
Blatnik	Fulton, Tenn.	Rodino
Burton	Gubser	Rosenthal
Byrne, Pa.	Hagan	Rostenkowski
Carey, N.Y.	Hébert	Scheuer
Celler	Hollfield	Seiberling
Chappell	Horton	Sikes
Clark	Jones, Tenn.	Stephens
Clay	Kuykendall	Wildnall
Collins, Ill.	Landrum	Wilson,
Davis, S.C.	Lujan	Charles H.
Dent	McClure	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11932, and finding itself without a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made, the Chair had recognized the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman and members of the Committee, before the quorum call we were addressing ourselves to the question of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) to place in this budget \$72 million for the subway. In the course of that discussion we heard arguments against the freeway system and we heard arguments against the subway. I submit to the Committee we have passed those questions long since in the history of this Congress. The decisions have been made. These systems are to be built. The question now is, when, and under what circumstances?

Most of the issues have been touched upon. There is one which I believe has not

been explored sufficiently and I would like to direct the attention of the Committee to it at this time. I hope the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) will correct me if I am incorrect in terms of any of the remarks I make.

The question to which I would like to direct the Committee's attention is the cost of delay. The only cost figures that I can attempt to bring out are those figures in relation to the metro system itself. I have no idea what the cost of delay will be in regard to the freeway construction itself.

Let me begin by saying that I am strongly in favor of both systems, the freeway system and the subway system, but we have had at least 2 years' delay, and we may have 3 years' delay on both systems if the conditions that exist now continue. I am advised that the estimated cost of construction was somewhere in the neighborhood of \$2.5 billion. The distinguished chairman of the subcommittee has suggested he feels probably the figure is more in line with \$4 billion for the construction of the metro system. We know historically that when we delay, in each year that goes by we suffer an inflationary cost increase in any capital construction program. We have an increase of anywhere from 5 to 7 to 10 percent per year. My question is: Can we afford further delay? We have had a 2-year delay now, and if the cost slippage is 10 percent and the cost of the subway is \$2.5 billion, it means a cost increase of the system as a result of 1 year's delay of approximately \$25 million. If the cost of the metro system is \$4 billion, then 1 year's delay will have increased the cost of the system by about \$40 million.

In 2 years you double those figures, and I think you have some idea of the importance that attaches to this question of whether or not we should delay further.

What I have said is only in regard to the subway system itself. I have no idea what the cost of delay of the freeway system would be. At this point, and because I do not have the information, I wonder if the chairman of the subcommittee would be kind enough to advise the Committee what his estimates are of the cost of the freeway program yet to be built.

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

Mr. EVANS of Colorado. I am happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Between 1958 and 1968 we recommended to the Committee and the Congress appropriated over \$200 million. This includes both District of Columbia funds and in Federal funds. The amount which is now available and has been down through the years will nearly complete the freeway system.

Mr. EVANS of Colorado. The question is this, if the gentleman would be so kind as to direct his attention to it:

What will it cost to complete the freeway system?

Mr. NATCHER. The cost of the program to be completed will be approximately the amount we now have available.

Mr. EVANS of Colorado. How much is that?

Mr. NATCHER. There is over \$200 million now available and on hand.

Mr. EVANS of Colorado. And this is solely in regard to the freeway system?

Mr. NATCHER. That is correct.

Mr. EVANS of Colorado. So the inflationary costs of delay we are talking about per year, whether it is 5 or 7 or 10 percent, would attach onto this \$200 million figure?

Mr. NATCHER. That is correct.

If the gentleman will yield further, I know the gentleman wants to be fair to the committee. I think the gentleman ought to tell the House this in all fairness, when the 98 miles of rapid rail transit was authorized in 1969 at \$2.5 billion, we told them at that time it would be from \$3 billion to \$5 billion. Last year in the supplemental when they came in, the officials of the Washington Metropolitan Transit Authority, said "We cannot build it for \$2.5 billion. It will cost \$480,200,000 more."

Mr. EVANS of Colorado. I suggest the cost of the delay is unacceptable.

SHALL THE WILL OF CONGRESS PREVAIL?

Mr. MAHON. I move to strike the last word.

Mr. Chairman, when Lincoln stood at Gettysburg, he said:

We are met on a great battlefield . . .

Today we are meeting in the greatest legislative forum in the world, engaged in a battle which I interpret to be a battle of principle. The House of Representatives has been challenged. If those who have challenged the House of Representatives, had but spent the energy they have spent on pressuring the Congress, in an effort to get the District of Columbia to do the will of the Congress, no doubt, success would have already been achieved in this controversy.

Yes, it is a question of the prestige and position of the Congress, a question of orderly procedure, and a question of right or wrong, as I see it.

On this issue before us let us not topple our Speaker, Mr. ALBERT, who takes the position of this committee.

Let us not topple the gentleman from Kentucky, BILL NATCHER, who has performed a remarkable service for this Congress for years—for this Congress and for the people of the Nation.

Let us not topple our minority leader, JERRY FORD, the gentleman from Michigan. Please let us not kick in the teeth the Committee on Appropriations which has gone into this matter in great detail and overwhelmingly defeated the Gialmo amendment.

Yes, we have something at stake today, and if I seem to be emotional about it, I hope the Members will pardon me.

Yes, we have a controversy about the bill today, but we do not propose to kill the Metro. We propose to go along with it, and in a bill which we will consider later today, we are recommending \$38 million for a Federal contribution. We are not trying to kill it. We are just trying to get the will of the Congress carried out.

I, for one, as with most of the Members who run for Congress, do not like to be on the losing side, and I do not want

to see the House of Representatives be on the losing side in this controversy.

When King Saul, the man who stood head and shoulders above his fellows, went into battle on one occasion against the Philistines, his armor bearer was at his side, and also his oldest son Jonathan, whom he dearly loved. According to tradition, as they marched into battle, he turned to Jonathan and said:

Farewell to others, but never we part,  
Heir to my royalty, son of my heart!  
Bright is the diadem, boundless the sway,  
Or kingly the death, which awaits us today.

I do not know what the outcome will be here, but I hope a majority of us will stick together and defeat this amendment. If we should lose in the cause of principle and correct legislation, we will go down fighting. But, my colleagues, I would certainly hope that we are not going to lose. The Speaker, the minority leader, the Committee on Appropriations, and the Members of Congress generally are going to assert themselves in this confrontation and, I trust, make sure that, for better or for worse, under the American legislative system, Congress still has the last word.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cosponsored this amendment with the gentleman from Connecticut (Mr. GIALMO).

Mr. Chairman, I argued earlier today that to withhold funds for the metro system because of a supposed violation of a congressional mandate is to belie reality. By any reasonable understanding of the situation, both the District of Columbia and the Federal Government are in compliance with the dictates of the Federal-aid Highway Acts of 1968 and 1970.

Perhaps out of a belated recognition of this fact, we are now told that, if the court of appeals agrees to reopen its consideration of the Three Sisters Bridge litigation, then subway funds will graciously be released. This latest attempt at political blackmail, which demeans the very integrity of the judicial process, deserves our immediate and forceful rebuff.

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

Mr. CONTE. I am glad to yield to the gentleman from New York.

Mr. STRATTON. The gentleman from Massachusetts is a distinguished member of the Appropriations Committee. The statement has been made here that the will of the Congress is being flouted by a failure to proceed simultaneously with two separate construction projects. Does the gentleman recall any legislation we ever passed which said specifically that the metro could only be built if simultaneous, minute-by-minute construction also proceeded on the freeways and the Three Sisters Bridge?

Mr. CONTE. No; I do not. Earlier in the general debate I gave the status report of all the highways under construction and under design. The only one left is now in litigation—the Three Sisters Bridge controversy. Everything else is complied with.

Mr. STRATTON. And the Congress did require that the metro be built, so if we are preventing its being built then we are flouting our own will.



Mr. CONTE. Not only did we, the Congress, authorize building the metro, but also this Congress has already appropriated over \$680 million for the system.

Mr. STRATTON. I hope that money certainly does not go down into the same gullies that we will leave in the heart of the city of Washington if we do not approve this amendment and complete the unfinished Metro system that now marks our city.

Mr. CONTE. I thank the gentleman.

Mr. Chairman, again, I reiterate that I disagree with the decision of the court of appeals, but to hold a gun to the heads of the U.S. court of appeals is not my idea of the responsible manner in which Congress should work its legislative will. I for one will have no part of any intrusion upon the constitutional principle of separation of powers.

Now, the time has come to turn our backs on these strong-arm tactics and to face up to our responsibilities. Further delay in the release of these funds threatens the very existence of the metro system. Eight area jurisdictions, together with the Federal Government, have already committed \$863 million to this project. But their tolerance for our legislative maneuverings is rightfully growing short.

Added to this consideration is the fact that past congressional delays in financing have already increased the cost of the system by \$80 million. At a time when we are struggling to put our economic house in order, we cannot continue this inexcusable waste of the taxpayer's money.

Consider too the interests of the millions of people who would be adversely affected by the sudden death of the metro. Suburban area residents have acted in good faith through their governments' financial contributions to the subway system. City residents and visitors have borne the many inconveniences caused by the start of construction within the city limits.

Our answer to their good faith and patience cannot be—and must not be—an irresponsible action that could in President Nixon's words, "consign the entire project to an early grave."

We all remember those who last May rightfully denounced the violent acts of demonstrators who threatened to shut down the city. Yet today those who refuse to release these desperately needed funds are guilty of the same offense that was so despised last spring—the holding of area residents hostage because of a dispute over which they have no control. Neither then, nor now, can we tolerate actions that threaten to paralyze our Nation's Capital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Chairman, I object.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. CONTE moves that the Committee do now rise and report the bill to the House with the recommendations that the enacting clause be stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. CONTE. Mr. Chairman, at stake in this dispute is not only the future of this city. Also at stake is the integrity of the three branches of our Government—the integrity of the judiciary, which must remain unfettered; the integrity of Congress, which must remain responsive; and the integrity of the executive branch, which must remain capable of executing projects that have been mandated. For the sake of this integrity, let us release the subway system from its undeserved bondage.

I am sorry if I have offended some of my colleagues here who gave others additional time to speak today because they agreed with their thoughts but who would not give me the same courtesy because they disagreed with my thoughts.

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

Mr. CONTE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, this afternoon, this esteemed House holds in its hands the fate of Metro. Will we breathe new life into it, or will we condemn it to an early grave? I believe we have no choice but to vote for the former.

Of course, there is no reason why we should be debating this issue at all today. Had the Appropriations Committee accepted its responsibility and included the funds for Metro in the District of Columbia appropriations bill, I have every reason to believe Metro would not be a subject for debate. But the committee preferred to follow the lead of the honored chairman of the District of Columbia Appropriations Subcommittee and to deny the city its share of Metro funds.

I have asked myself why, Mr. Chairman, but I have not been able to come up with an answer. I had been led to believe that the denial of funds was designed to insure the city proceeds with highway construction authorized by Congress. I share this concern, but to deny funds for this reason does not make sense. Highway construction, and in particular construction of the Three Sisters Bridge, has not been stalled by an intransigent city government. Rather, the delay is the result of a court action by concerned citizens of Washington, exercising their rights under the Constitution and laws of this country. As we all know, the President has directed the Attorney General to appeal this decision, and the requisite papers have already been filed.

Leaving the issue of highway construction aside for the time being, I am also led to believe that another reason for the denial of funds is the increased cost of Metro. Once again, I fail to see the rationale of this argument. If Metro is so expensive, why delay release of the funds when further delay only adds an estimated \$1 million per week to the final cost.

One can only assume that it is the intent of the Appropriations Committee to kill Metro once and for all. But I cannot

believe this is the intent of the majority of the Members of this House. If we wanted to do that, we would only have to deny appropriation of matching Federal funds. This we have not done.

Mr. Chairman, the residents of the Washington metropolitan area want and need Metro. The surrounding jurisdictions have demonstrated their good faith by contributing more than \$863 million, including Federal matching funds. There is no reason why this House, acting as the District's legislature, should not approve the funds. To deny them will make a mockery of representative government.

Mr. Chairman, this morning you were quoted as saying this House should not yield to the District or the courts. I had not realized that this House had been designated the lord and master of the District, free to act without regard to the wishes of the residents. We are no longer acting solely as the representatives from the various States. This afternoon, we are acting as representatives of the District of Columbia. I dare say that if this amendment is rejected, and the voters of the District of Columbia had the power to vote, every Congressman who votes against the amendment would lose in the next election. But the vote today will be of virtually no political consequence, and the residents of the District of Columbia do not have the political power everyone else enjoys.

Nor had I realized that this House was engaged in a power play with the court of appeals. Congress has established certain procedures which must be followed before highway construction can begin. It has also granted the court of appeals jurisdiction to determine whether these procedures have been followed. As we all know, the court has ruled that the Secretary of Transportation has not complied with the law. It may be that the court has misinterpreted the law. If this is so, then the court sitting en banc, or the Supreme Court, will certainly reverse the decision. If the law has been properly interpreted, then this Congress always has the opportunity to amend the law.

Mr. Chairman, last Tuesday President Nixon stated that no further delay in appropriation of Metro funds can be tolerated. I wholeheartedly agree and request that the Members of this House join with me in support of the amendment by my colleague from Connecticut.

Mr. CONTE. Mr. Chairman, in closing again I want to repeat that the President of the United States is four square behind this amendment. He not only issued a letter on it, but also further clarified his position on November 30, 1971. Here is an excerpt from the White House press secretary's briefing. This question was asked by the press:

What is the President's reaction to the House Committee vote?

Answer:

The President, as you know, for sometime has expressed his support for the Metro System. The President, I would say, was very displeased of the failure of the full committee on Appropriations to include funds for the Metro system. The President feels, as he stated in November, that we are at a critical juncture in the Metro development and no further delays in the funding can be tolerated. That is what the President said in November and there should be no question

about the fact that the President wholeheartedly supports a proposed amendment that will be introduced on the Floor to restore subway funds.

Question 2:

Was the President inclined to wait for the Court of Appeals decision on the Three Sisters Bridge or press the issue on the Floor.

His answer was:

He was inclined to press the issue on the Floor for the amendment.

Mr. PIKE. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PIKE. I am undecided on this issue. I do not want to topple the Speaker of the House of Representatives or to topple the chairman of the Committee on Appropriations or to topple the minority leader, but I would also like your view on whether, if this amendment is not agreed to, the President is going to topple. Because we have heard that all these people, programs, and their jobs will topple, if the amendment is agreed to, and I want to know whether or not the President is going to topple if it is not agreed to.

Mr. CONTE. You can be reassured that neither the Appropriations Committee, nor the Speaker, nor the minority leader, nor anyone else will topple because of the outcome of this particular matter.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. GERALD R. FORD. Mr. Chairman, I rise in opposition to the preferential motion which has been offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. Chairman, my good friend, the gentleman from Massachusetts, made a great point to the effect that we should not do anything to undermine the integrity of the judicial process.

In my opinion it can be put another way. If you vote for the Gialmo amendment, you can say that we are, in effect, undermining the integrity of the House of Representatives and the Congress. If I have to make a choice, my choice is clearly with the legislative body of our Government.

I do not have to use my own words to indicate that even some on the judiciary have some reservations about the decision which has hamstrung the District of Columbia in proceeding with the Three Sisters Bridge.

Mr. Chairman, I have in my hand here a copy of the dissenting opinion by Judge George MacKinnon. The circuit court of appeals decision in that case was 2 to 1. I think dissent puts into proper perspective the decision of the majority.

The conclusion of Judge MacKinnon's decision in his dissenting opinion reads as follows, and I quote:

When members of an appellate panel, for no reason more substantial than their own innate suspicion, elect to disbelieve the sworn testimony of a member of the Cabinet that his final decision was not influenced by outside factors, and also to circumvent the factual finding of the trial court to the same effect, in my opinion, it is not likely that a more extensive administrative record would cause them to believe him in the future. A court that has gone to the great extremes that this court has to reverse the trial court here can always find reasons satisfactory to it for avoiding practically any subjective decision required with respect to the bridge.

Mr. Chairman, I think the best criticism of the court's action comes from a member of the court itself.

We have a responsibility to stand up for the integrity of the legislative body, the legislative body that wants us to proceed with a balanced transportation system that includes both the highways and the Metro system. That is what we insisted upon all along and that is what we ought to do today.

Mr. Chairman, let me reiterate, because some may not have been here earlier, what some of us have agreed to if we could get a reasonable response from the judiciary.

The Department of Justice has asked for a rehearing before the Circuit Court of Appeals for the District of Columbia on the decision made by Judges Bazelon and Fahy. Thus far, there has been no response. The request went before the court as I recall a week or two ago. If Judge Bazelon on his own initiative, at the request of the Department of Justice and the Attorney General, will set a date for the rehearing, en banc, of the circuit court of appeals, I, and I know the gentleman from Ohio (Mr. Bow), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from Kentucky (Mr. NATCHER) will join with the others in getting the funds in either this appropriation bill, a regular supplemental on a supplemental that is solely and exclusively for the benefit of the Metro system.

Now, if Judge Bazelon on a majority made that decision and it was communicated to us here this afternoon just to hold a hearing—not even requiring that they make a decision—there would not be any fuss by me.

The court ought to at least give us a day in court and the sooner the better. And we are not demanding that it be today, we simply ask that they set a date for the hearing. I think that is a reasonable request. Our obligation as I see it is to proceed to insist upon compliance with the law and specifically compliance with the 1968 Highway Act, and the 1970 Highway Act.

According to Judge MacKinnon who, incidentally, was a former member of the House of Representatives in the 80th Congress, the decision of the majority ignores the law, and sets up their own standard for compliance. I happen to believe we ought to defeat the Gialmo amendment, and defeat it overwhelmingly.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. CONTE).

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

Tellers were refused.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 5, noes 96.

So the preferential motion was rejected.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I said a few moments ago, our subcommittee of the Committee on Appropriations is not against

the rapid rail transit system. We are for the rapid rail transit system just as strongly as anyone in the city of Washington.

In 1955, Mr. Chairman, they came before our subcommittee and asked for \$561,000 to make the necessary study for a balanced system of transportation here in our Nation's Capital. At that time we approved the amount. A balanced system of transportation providing for rapid rail transit, a freeway system, and an express bus system.

This is our position today, Mr. Chairman. Under no circumstances do we intend to come before this Congress at any time, or at any time in our committee, and make any move to stop the rapid rail transit system.

Mr. Chairman, we have appropriated \$538 million for the rapid rail transit system that is actually in use, \$300 million in contracts underway at this time, and I say to you these contracts will extend for 2 years.

In 1966 we came before this Congress and asked that the rapid rail transit money be released. You will recall that the National Capital Planning Commission then decided that the freeway system should get underway. We turned the money loose. We made the recommendation and then within a matter of 2 or 3 weeks a suit was filed. That suit stayed in court from October 1966 until February 1968, the same circuit court of appeals that you have been reading about—Judge Bazelon's court.

Mr. Chairman, in 1968 the Committee on Public Works of the House decided that something had to be done. The Three Sisters Bridge was not selected by the Congress or by any committee of the Congress. It was not selected by the Committee on Public Works.

The Public Works Committee in 1968 passed the highway act and we provided that the District officials and the Department of Transportation should proceed immediately to construct the Three Sisters Bridge, the east leg and the center leg and to make the necessary study.

From 1968 to 1969 nothing was done. The legislative committee on the District of Columbia came before this Congress and asked that the Federal payment be withheld. After that move was made the District officials decided that they had better make a move. The antifreeway emergency group was in action at that time, Mr. Chairman.

So in 1969 they finally decided to again move along with the freeway system. We started the Three Sisters Bridge under construction in August of 1969 and within a few weeks another suit was filed and again we have the Bazelon court. Mr. Chairman, that is the same suit that is now pending in court.

I want you members of the Committee to know this, and, Mr. Chairman, I say this from the bottom of my heart—this will be no personal victory for me—it will be no personal victory for the Committee on Appropriations. It will be a victory for the Congress of the United States—a victory for the legislative branch of the Government, Mr. Chairman.



The legislative branch of the Government is a coequal branch of the Government. The hoops that Judge Bazelon has set up for the Department of Transportation to jump through and the Congress to jump through are not for me and should not be for any Member of this body.

I say that to you regardless of the outcome of this amendment. Mr. Chairman, this amendment should be defeated. We should say not only to this judge, but we should say to all of those in the city of Washington and throughout the United States that the legislative branch of the Government is a coequal branch of the Government. For 20 long years we have given up the rights of the legislative branch of the Government.

My friend, the minority leader, who is one of the ablest men who has ever served in this Congress is to be commended on his position.

Mr. Chairman, this is no time for them to put us through the hoop, and I ask that the amendment be defeated.

Mr. MYERS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the Members who have been favoring this amendment, which I shall not question why—but one of the reasons they have brought up—why we should continue right now with the funds for the Metro is the fact that any delay is going to increase the cost—the ultimate cost of the Metro system. I think we might be safe in making this assumption with past history, but with the price and wage freeze in effect as it is today, I am not sure that this can be absolutely true. But regardless, only one of the proponents raised the question—how much increase has this long delay in freezing highway funds—and incidentally there has been a long delay of Metro funds up to now and the Metro system has been continuously constructed—but how much increase to the highway system this long delay incurs. The gentleman from Colorado (Mr. EVANS) raised that one question. It seems to me quite logical from the arguments we hear which I think are very valid: There is a possibility that by our actions here that they might even close down the subway system for a few weeks, which I do not think they will if we take firm action today.

But in any event should the delay be a month or two the end result might be saving money on the highways because the highways will be built sooner and not because of further delays in the building of the highway system.

I really do not understand why a few people in this city have taken the position that they will fight the balanced system to the extent to cause court action. As an example, there is the environmental and ecology question on the building of two piers on each side of the river to support a pretty bridge across the river. I really do not understand the argument by those who raise the environmental question.

Observe the other side of the coin on the question of the construction of the Metro system. Numbers of businessmen are out of business today because of loss of business. They could not carry on with their overhead. People do not frequent

their establishments along the route of the Metro. Others have lost money through having had severe damage to their property by way of cracked walls. Have any lawsuits been filed or injunctions issued to stop the construction of the Metro? Even in relation to the very beautiful facility of our National Collection of Fine Arts it has been necessary to close the historic Lincoln Gallery of that institution because of cracked walls and the condition of the building.

The Treasury Building down on 14th Street and Pennsylvania Avenue has had cracks in its walls because of Metro construction.

But has one suit been filed to stop that construction? I understand that there have been some interruption-of-business suits, but none have gone to the point of asking the court to stop the construction of Metro. And none of us are asking for that.

But it seems to me rather strange when this Congress is asking for assurances from the District of Columbia and from the courts, whoever it may be, that we can continue with the balanced transportation system—and I, for one, do not completely agree with the agreement which we are assured has been made in this House—how we can be assured by the mere hearing or rehearing of the case we will have a balanced system.

The argument has been made that we want a balanced system. I certainly believe in a balanced system. But how can we be assured that such a system will be built as a result of assurance that the appellate court will hold a hearing? It seems to me that if we are sincere in this endeavor, that order will have to be reversed in some fashion, either by the full panel of the court sitting en banc, or by the Supreme Court, before construction starts. I, for one, am going to hold to that position. I believe the District of Columbia, our Nation's Capital, is deserving of a balanced system of transportation for all people of our Nation, and the only sure way I know of making sure we get the balanced system is by an effort to cause our court system to give to the people of this Nation the balanced system that the taxpayers are paying for and that they deserve.

Mr. NATCHER. Mr. Chairman, I wonder if we can get some understanding as to time on the amendment? I ask unanimous consent that all debate on the amendment and all amendments thereto be completed in 40 minutes.

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

There was no objection.

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

(By unanimous consent, Mr. Gross yielded his time to Mr. DAVIS of Wisconsin.)

(By unanimous consent, Messrs. McKINNEY, TEAGUE of California, and THOMPSON of Georgia yielded their time to Mr. BROYHILL of Virginia.)

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, Mr. BROYHILL.

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

amendment of the gentleman from Connecticut. I oppose the tactic of holding District subway funds hostage for ransom in the form of highway construction. Why subway funds? Why not the entire District appropriations, why not judiciary appropriations, if it is not the intent of Congress to destroy the subway in its infancy and create transportation chaos in the Washington metropolitan area.

We should not be debating here the desirability of or the need for a rapid transit system in Washington. We decided that question many years ago; we agreed that one is needed and we have spent millions already in studies and surveys all of which have proven conclusively that one is needed; and long ago we authorized and directed construction of a subway rapid-rail system as part of a balanced transportation system for the area.

In May when some of us tried to force release of subway funds we were defeated because the majority felt that someone downtown had failed to comply with the Highway Acts of 1968 and 1970. Since then those who alleged too much foot-dragging downtown have switched their criticism to the courts in the District, where in spite of the Attorney General's motion for a hearing en banc of the Three Sisters Bridge case before the full U.S. court of appeals it is impossible for the President, as he has advised in a letter yesterday to the Speaker of the House, to predict either the timing or the outcome of the court's action.

In the meantime the entire subway system is dying. The subway agency is out of money; the suburban jurisdictions, which have already contributed over \$125 million, have refused to continue to pay for a system they may never enjoy, located entirely within the District of Columbia, which has become the hostage of forces engaged in a desperate battle for and against highways and bridges.

We must provide transportation for the hundreds of thousands who must travel in and out of the Nation's Capital each day. We must make the right decision now or face chaos in a decade. Highways alone are not the answer. Even if we chose to do so we could not pour enough concrete to solve our transportation problem without the rapid transit system.

For 20 long years this Congress has acknowledged that we must have a balanced transportation system, including both highways and bridges as well as a subway-rapid rail system. No one would disagree that there has been too much delay in carrying out the mandate of Congress that such a system be built. No one would disagree that the delays in both the highway-bridge and subway-rapid rail system have been costly. And they will be more costly every day.

In May those who opposed releasing the subway funds said the Washington Metropolitan Area Transit Authority would not die if we waited a few more months for compliance with the highway acts.

They pointed out that WMATA still had a little money left, which was true,

but did not point out that the money on hand included a repayable loan from the Department of Transportation, the suburban contributions, and the matching funds for the suburban contributions, and that unless the suburbs continued to meet their obligations on time not only the suburban funds but the Federal matching funds would cease.

Mr. Chairman, it makes as little sense to withhold funds for the subway to force the building of highways as it would to withhold funds for the judiciary to force a few judges in the District of Columbia to render a decision. Why must the District of Columbia and the surrounding communities suffer for a judgment they cannot control? The Congress has the authority to pass yet another law, a law specifically exempting jurisdiction of the courts if necessary, to get a balanced transportation system underway for this area. We do not need to hold a hostage. In fact all we have accomplished by doing so is to allow a few people to decide whether they want to build either the subway we directed be built or the highways and bridges we directed be built.

The public's newly aroused awareness of ecological problems led the majority of this House to enact legislation which will make necessary more careful attention to environmental factors in building of future highways, and this is as it should be. But I wonder how many who joined the majority in enactment of this legislation are now wavering about completing a pollution-free subway system while the inevitable litigation involving our own newly enacted environmental legislation, and the charges and countercharges about what future highway construction may do to the environment continue. I firmly believe highways can be so constructed as to avoid damage to the environment. I believe it is urgently necessary that we construct them, for we will have the fumes with us no matter whether the cars travel on divided limited-access highways or along presently congested roadways until those scientists now concentrating their efforts on non-polluting means of propulsion have accomplished their work. Meantime I urge those who voted with the majority for protection of our environment to consider what a vote against the amendment to restore subway funds will do to set back the goals we so enthusiastically sought only last year.

The amendment we will be considering today does far more than restore \$72.5 million, the District contribution to the subway fund. The Federal matching grant which will then be released to the fund will be double that amount, \$143 million. WMATA now has on hand a total of \$587 million, \$411 million in Federal funds, \$51 million in District funds, and \$125 million in contributions from the suburbs. All of that amount has been committed as of August 1. If we release the \$72.5 million, and the \$143 million, we also will encourage the suburbs to make their next payment into the fund, totaling \$29 million, to which another Federal grant of twice that amount, or \$59 million, will be added.

If, on the other hand, we fail to release the \$72.5 million, the suburbs will refuse

to contribute their \$29 million, with full justification, and the total loss to the subway fund as of January 1 will be \$301 million. The only thing left for WMATA to do will be to terminate its ongoing contracts as quickly as possible, pay penalties to contractors to whom unfulfilled commitments have been made, and rush back to Congress with desperate pleas for sufficient funds to fill up the gaping holes they have created and restore the streets before the cave-ins start.

When we agreed to the joint venture between the Federal Government, the District of Columbia, Montgomery and Prince Georges Counties in Maryland, and Arlington and Fairfax Counties, and the cities of Alexandria, Falls Church, and Fairfax City in Virginia, we created a compact as a means of assuring financial participation by the District of Columbia and the other participating subdivisions in the region. In addition to granting consent for the compact, we, as the legislature for the District, enacted the compact, just as did the legislatures of Maryland and Virginia. We specifically specified in the compact that the net project costs of the subway would be equitably shared among the Federal Government, the District of Columbia, and the local subdivisions. Pursuant to this guideline, the WMATA developed a plan for financing the project, a key element of which a capital contributions agreement under which the District of Columbia and the other subdivisions undertook to provide their annual contributions to the authority.

In the National Capital Transportation Act of 1969, we authorized the District of Columbia to enter into that agreement to make annual contributions, and authorized the necessary appropriations. In reliance on this action by Congress, the political subdivisions executed the Capital Contributions Agreement, and pursuant to its provisions they have made their contributions on time to date. Congress, however, has not made the payment for the District of Columbia for either 1971 or 1972.

As we had intended, the political subdivisions relied on the good faith of the Congress to provide the District of Columbia funds. It is a legal obligation of the District of Columbia, incurred pursuant to our authorization. If the legal obligation is not met, if the subway system as a result dies, the District of Columbia will undoubtedly face multimillion-dollar suits, filed by the suburban jurisdictions in behalf of their taxpayers, and confidence in the good faith of the Congress, not only on the part of suburban jurisdictions but of communities throughout the Nation will be sorely shaken.

Mr. Chairman, in building this subway system time is money. Every delay is costly. The 98-mile system originally was estimated to cost \$2.5 billion, an estimate already increased to \$3 billion. We started late, and there was too much foot dragging at every level of government. But our decision was made and millions have been committed both in Federal and local funds.

It would be a shortsighted and disastrous disservice to the public interest to

force costs still higher by unwarranted delay or to create the inevitable chaos in the Nation's Capital which would result from its complete abandonment.

Mr. Chairman, I urge adoption of the amendment of the gentleman from Connecticut.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

(By unanimous consent, Mr. Bow yielded his time to Mr. ALBERT.)

(By unanimous consent, Mr. ALBERT was allowed to speak out of order.)

DEATH OF MRS. JOHN W. MCCORMACK

Mr. ALBERT. Mr. Chairman, I have just received word within the last few minutes that the most devoted marriage I have ever observed in my lifetime has been broken by death. Mrs. John W. McCormack has passed away. Our beloved Speaker is grief stricken by the loss of his lifelong companion who was also his closest friend and confidante. These two people of great character, piety, and selflessness enjoyed a rare relationship. Bound by the holy bonds of matrimony, they were also bound by the mutual and enduring desire to love and honor each other. Their union of 52 years serves as an inspiration to all who would enjoy the fruits of marriage in the truest meaning of the word.

Mrs. McCormack was a great and gifted lady: none was more kind, considerate, charitable, or sympathetic. She exemplified the timeless virtues—faith, hope, and charity.

I know that the House shares the grief which Mrs. Albert and I feel on receiving this sad news.

The CHAIRMAN. The Chair recognizes the delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by the distinguished and very capable gentleman from Connecticut (Mr. GAIAMO). The action of this body to delay 1 day longer the District's share of subway construction funds would be nothing short of disgraceful. This Congress undertook a moral obligation to the 3 million people of the Metropolitan Washington area when it authorized the Metro system several years ago. In reliance on this commitment, believing that Congress would keep its share of the bargain, the people of this region and the Federal Government have already committed themselves to spending \$863 million. If this House fails to act to restore the \$73 million requested by the President of the United States, we will have nothing to show for our efforts and money but empty, useless holes in the ground. That time has finally arrived, and we must face that fact squarely.

There has been some talk about a compromise that would provide subway funds if the U.S. court of appeals grants a rehearing in the Three Sisters Bridge case. The President of the United States says that this is unacceptable; that Metro funding must go forward now. And I agree with the President. We have delayed year after year, each time the ransom for the release of subway funds to



grow higher and higher, with no end in sight. This House cannot delegate to the U.S. court of appeals, as the so-called compromise would do, the decision as to whether the Washington region shall have a subway. That is a decision that this Congress must make based on what is right. Suppose the court decides that it will not grant a rehearing? We are right back where we started, with no end in sight. There will be no time to save Metro later. The suburban jurisdictions have already indicated that they will make no further contributions after January 1.

We should be perfectly clear about one thing: The question is no longer whether the District government is in compliance with the law. The Federal Government and the District government moved forward diligently to begin construction of the Three Sisters Bridge. According to the opinion by the court of appeals, they moved too diligently in carrying out what they believed to be congressional mandate to begin construction. The District government has moved with good faith; nothing more is humanly possible. The President of the United States has made a personal commitment to pursue all available legal remedies in order to clear legal roadblocks in the way of building the bridge. What more can we expect? Every effort has been made to comply with the law, and no more can be reasonably required. I personally believe the construction of the Three Sisters Bridge is unwise, but that is not the issue. My distinguished colleague from Virginia (Mr. BROYHILL) may believe that it is wise to build the bridge. But we both realize that that is not the issue here today. We are together today because we both know that the issue is whether the subway should be built.

The construction of the subway is crucial to the economic and environmental life of the entire metropolitan region. The subway is our only hope for avoiding strangulation from automobile emissions and for turning our neighborhoods back to the people. The subway provides the means of concentrating commercial and housing development, thereby eliminating the horrors of urban sprawl. Subway stations located in the metropolitan area, and particularly in the inner city, will serve as the magnet for hundreds of millions of dollars of new commercial and economic development. Thousands of new jobs will be created and opportunities for minority businessmen will evolve.

I note that new grounds are put forward at this late day to deny subway funds. The claim is being made that the subway costs are growing. Indeed, they are in this inflationary period. There is no doubt in my mind that one reason for such cost increases is delay caused by the refusal of Congress to provide regular funding to the subway on schedule. One recent report had indicated that congressional delays in funding have resulted in cost increases of \$80 million.

This is not a Republican or a Democratic issue. Both a Democratic and a Republican President have strongly supported the subway. This is not an issue of city versus suburb or black versus

white. The question is what is good for all. We in this region are together. Even those who have supported increased highway construction in the past—the board of trade, the Federal City Council—have joined in our urgent plea to release the subway funds. I echo what President Nixon said the other day, "No further delays can be tolerated." I urge your vote in favor of the Giaimo amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

(By unanimous consent, Mr. BOLAND yielded his time to Mr. GIAIMO.)

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, when a man says he sure does want to meet with you for lunch sometime but, well, he is not feeling too well today, then you both set a date for another day. But if, later, the man says he is awfully busy, and then later, that he might have to go out of town—and also starts grumbling about the increase in prices at the restaurant—well, then I believe you begin to wonder if the man really is interested in having lunch with you. The greater the excuses, the more the doubt.

Some Members of the House, I think, are a little like this. Congress as a whole has actively encouraged, approved and authorized the development and construction of the Metro subway system here since 1952—19 years ago—these Members remain hesitant about allowing the District government to pay its long overdue share.

Some years ago they said they would like to release the funds "but" the District should have a freeway plan first. The city got such a plan and continues to build freeways, one at the very foot of Capitol Hill and another long stretch just five or six blocks to the south.

So then these Members said they would like to release the funds "but" the plan should include the North Central Freeway to Silver Spring. Today, of course, Maryland has decided not to build its part of that freeway so the District's construction of its section is a moot question.

But these Members of the House said the subway's funding should now await the city's start on the Three Sisters Bridge. OK, the city started the bridge and the pilings are visible in the Potomac today. Unfortunately, the haste and citizen opposition has led to court challenges and an adverse finding that has temporarily halted the work.

The President of the United States has ordered an appeal of the decision, which I find hard to swallow. The Attorney General has assured me that a petition has been filed for a rehearing and that every appropriate avenue is being taken to expedite that rehearing.

But the Members who have found reasons to hold the subway funds hostage against the city government and the various planning boards of the city now say that we must hold these funds hostage against the U.S. court of appeals. Meanwhile, they are also starting to complain

that the subway may turn out to cost too much because of the delays which they in part have caused.

So make no mistake. If we do not restore these subway funds today, after all these years of delay, we might as well start appropriating funds to start filling in the great tunnels that have been built through downtown and Connecticut Avenue.

Finally, pride in the hard work of our many legislative and appropriations subcommittee chairmen is a virtue. But blind pride—when millions of dollars have been invested and when the integrity of Congress legislative process is at stake—goeth before a fall.

I urge you to vote for the amendment restoring not only the overdue subway funds but also restoring and protecting the prestige, authority, and legislation of this great Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, there is little that can be added to the debate today. We are all in favor of a balanced transportation system.

We've heard a great deal today about the decision of the U.S. Court of Appeals for the District of Columbia circuit. I do not think there is anyone in this chamber who disagrees more often with more opinions of Judge Bazelon than I, but what I would like to submit to my colleagues today, Mr. Chairman, is that denying these funds, you would be penalizing innocent people who are not involved in Congress' dispute with Judge Bazelon or the District of Columbia government.

Suburbanites have paid some \$125 million of their share of building a rapid rail transit system. My home county of Prince Georges has paid over \$31 million, and it will be another whole year before we even begin to see the first physical evidence of subway construction.

So, if you have a dispute with the District government and with Judge Bazelon, thrash it out with them and do not use a "secondary boycott" to penalize my constituents. They have lived up to their end of the bargain, but because of the actions of the Congress in delaying funds for the District of Columbia's share, suburban taxpayers have been paying more than their share and they have been denied the progress in the construction of the rapid rail transit system that they are entitled to.

Mr. Chairman, as much as I dislike going against the recommendations of the committee and the leadership, I support the amendment offered by the gentleman from Connecticut (Mr. GIAIMO), to restore the Metro construction funds to the District of Columbia appropriations measure before us today.

This amendment would restore the full \$72 million for subway construction. Until now, the District of Columbia has been unable to contribute its share of the cost of Metro. As the President has said, at this point in time, "no further delays can be tolerated."

I might add, Mr. Chairman, that the

President's words can be amplified one hundred-fold for the residents of the Metropolitan Washington community. If I may, I would like to quote from a letter dated November 26, 1971, sent to the chairman of the Appropriations Committee (Mr. MAHON) by Mr. John B. Burcham, Jr., vice chairman of the Prince Georges County Council and a member of the board of directors of the Washington Metropolitan Area Transit Authority.

In his letter urging the Appropriations Committee to include the \$72 million subway funding, Mr. Burcham illustrates the concern of Prince Georgians, as well as the concern of the other Metropolitan suburban jurisdictions over the withholding of these funds. I quote:

To date, Prince Georges County has contributed over \$31 million of its taxpayers' money to Metro in an act of good faith, even though the first physical evidence of such a system beginning in our County will not be seen until at least late 1972. Another payment of over \$7 million is due in January, 1972. Total payment of local funds by all suburban jurisdictions to date is over \$125 million, while practically no construction has been begun except in the District of Columbia.

I might add just two things to Mr. Burcham's statement of the financial situation, Mr. Chairman. One, this \$72 million payment which we are trying to include in this appropriation measure includes the \$34 million which was already held up last year; and second, Maryland is already paying a disproportionate share of the total net project cost, contributing 34.4 percent of the cost for only 30.6 percent of the rapid rail miles.

But, Mr. Chairman, at this point, it is not only the financial situation which is of concern to Washingtonians and suburban commuters. For many months now, we have all put up with the inconveniences which building a subway under a bustling city entails. We have huge gaping holes which are covered over with wooden planks to allow some sort of orderly traffic flow. Yet, all of us are looking forward expectantly and hopefully to the day when the only entrance to the underground will be via a Metro escalator.

But, in the words of President Nixon, at this critical juncture, we may be consigning the entire project "to an early grave."

Washingtonians, suburbanites, Federal employees, or Washington's many visitors don't want this to happen. My colleague from Maryland (Mr. GUDE) has reminded us that the construction of the Metro system has been encouraged, approved, and authorized in a long series of congressional actions beginning in 1952. For my own part, I have been involved in the fight for a balanced transportation system for the Washington metropolitan area since the early 1960's when I served as coordinator of the Joint Committee on Transportation for Metropolitan Washington. Since that time, I have reiterated numerous times the need for a balanced transportation system—including adequate highways, efficient bus service, and rapid rail transit. No

single mode of transportation can solve our worsening traffic snarls.

Unfortunately, the continuing friction between contending groups has caused intolerable delays. But, these differences must be resolved. We need highways. We need rapid rail transit.

I urge my colleagues to support this amendment to include this necessary subway funding. Time is of the essence.

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

Mr. STRATTON. Mr. Chairman, I think we have to remember, as has already been brought out, that this subway is already under construction. The construction was properly authorized by the Congress, and for us to deny funds now would not only violate our own authorization, just as much as the court action may be violating an authorization which we have given to the road system, but we would also be leaving the city of Washington in complete chaos and turmoil.

I do not know how many Members have been downtown or on Connecticut Avenue lately, but if you have, you know that we cannot allow that situation to continue. We ought to complete the subway, and complete it as rapidly as possible.

The suggestion has been made that subways are out of date, but they are building one in Munich, to be completed in time for the 1972 Olympics. So they cannot be that much out of date.

Then I think we ought to remember something else here, too.

The gentleman from Kentucky and the gentleman from Texas seem to be terribly exercised that all the mandates of Congress are not being carried out expeditiously by the executive branch. But this is nothing new to the Committee on Armed Services. You all remember the furor about getting a new wing of B-36's built back in the days of Harry Truman. We appropriated the money, but nothing happened. Then, in the early sixties, we tried to get a B-70 built and nothing happened then either. The late Mendel Rivers tried for many years to get the Navy to build nuclear frigates, and we still do not have those nuclear frigates.

Yet, just because the executive branch did not do what we wanted to on one portion of the bill, we did not then refuse to appropriate funds for all the other weapons systems required by the services and authorized by the Congress.

We should not do so in this case either.

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

Mr. SCHERLE. Mr. Chairman, I am opposed to the amendment for the reasons expressed by the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER).

Mr. Chairman, the District of Columbia Committee on Appropriations has deleted the funds for the Metro system deliberately in order to protect the actions of this House. This Congress voted and passed the Federal Highway Acts of 1968 and 1970 in order to bring about a balanced transportation system. In view of this action I do not feel it is improper to ask the District to proceed under these two acts in order to maintain the inde-

pendence, pride, and dignity of the House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

(By unanimous consent, Mr. YATES yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

(By unanimous consent, Mr. EVANS of Colorado yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman and my colleagues, I think before we can soundly vote on this measure it is imperative that we clear up an ambiguity which I have in my own mind and which I think others have.

Mr. Chairman, I heard the distinguished minority leader make absolutely clear that it is his understanding that before the funds will be released, there will be only two things which must take place:

First, that there must be a setting of a time certain for the rehearing before the court.

Second, that there must be a request for a supplementary budget, and that there is no additional condition attached to the release by this House of these funds.

If I may have the attention of the chairman of the subcommittee, may I address a question to the gentleman from Kentucky (Mr. NATCHER)? May I ask the chairman of the subcommittee whether it is his understanding that if those two conditions be met, first, that there be a time certain set for a rehearing—not the hearing itself or any decision—and, secondly, a request by the President for a supplemental appropriation—will those two conditions being met give rise to action of the subcommittee to release this money?

Mr. NATCHER. Mr. Chairman, if my distinguished friend will yield, I would like to say that if those two conditions are complied with, it will clearly indicate to me, just for a change after a period of about 4 years the courts have decided to move along and pass upon this case. When the supplemental appropriation comes to the floor next year, if those conditions are met, I will stand in the well of this House and ask that the money be appropriated.

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

Mr. PEYSER. Mr. Chairman, I was not going to speak on this issue today because so many of the Members have been involved in it for so long, but when I heard the remarks earlier made by the gentleman from Maryland dealing with mass transportation I just felt that I could not sit still and let the comment pass "Who would use it? Nobody would use it if you had it, anyway. Everybody would keep on using their cars." This is what the gentleman said.

I can tell the Members that that is the furthest thing from the truth. If you have a mass transit system in a city like Wash-



ington you will find it is used, and that it is used by everyone.

In my area in New York, in the suburban areas and in the city, everyone uses mass transit, whether they are bank presidents, heads of companies, or whoever they are, you will see them all on the subways, and the commuter trains, and they do not go riding around in their cars, fighting traffic or creating more traffic.

So I just want to say that if we ever have a mass transit system in Washington, D.C.—and in my brief time here we certainly desperately need it, because you cannot move in this city—if we have it, it will be used.

I think we ought to go ahead and put this subway system in, and get going as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, two points have been made. One is that the decision has long since been made to go ahead with building the subway, and that is our job to just go ahead and fund it.

Well, it would not be the first time Congress or the President failed to fund an authorization.

Right now our President has under impoundment about \$12 billion worth of public works funds. In my own district \$2 million worth of sewer and water money has been held up for 2 years. If they can refuse to fund these worthwhile projects in your districts and in mine, why can they not refuse to fund a subway of dubious merit?

The second point that has been made is that we would be wasting millions of dollars that have already been spent, and the cost will be increased if the subway is built later on. I have noticed that some of those who have made this argument were the same ones who along with me voted to terminate the SST, with the side result that about \$800 million already involved in it was lost. Why are there persons all of a sudden developing qualms about losing this amount by terminating the subway?

I might also note my impatience with this argument that the costs are going to go up when a project is delayed. After all, during the period of delay we get to keep the money and will have to spend that much less in interest on that amount of Federal debt. Furthermore, since the project will lose money every day it is running, the longer we delay the project the less money we will lose.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I deeply regret that I find myself in opposition to my good friend, the gentleman from Massachusetts (Mr. CONTE) who is recognized as a great mover of men and constructive legislative proposals. The passage of time will record and recognize him as one of the greatest baseball managers in our Capital City's history, but I feel that the issue here today revolves around another man who is not a Member of this House of Representatives but is a district judge, who is delaying action on a key segment of

our highway system that many of us, having jurisdiction over highway matters, believe to be necessary if we are to provide and advance a functional and balanced transportation system for the metropolitan area. That is the reason that I stand before you in support of the Committee on Appropriations, the gentleman from Kentucky (Mr. NATCHER), the Speaker, Mr. GERALD R. FORD, the minority leader, which is the same supporting position I took while serving as a member of the conference Committee on Public Works between the House and the Senate, when the matter of the Three Sisters Bridge was the subject of lengthy debate and subsequently approved by the Congress and signed into law.

This point has not been brought out in debate here today: If we can proceed to build the Three Sisters Bridge, the ultimate result would be to provide more ready access to Dulles Airport, thereby maximizing the utilization of that facility, permitting more scheduled flights and better service for those people living in the District, northwestern Maryland, and northern Virginia. It will also provide greater opportunity for people to get out of the city because of the greater flexibility automobile transportation provides for route and destination selection, as well as personal time scheduling. It will provide a relief from pressure on the National Airport traffic during the rush hour congestion period associated with auto and airplane commuter traffic.

Let me advise my colleagues, clearly, I am strongly in favor of providing a coordinated, integrated, and balanced transportation system which I believe is the objective of the Congress as well as the executive branch.

I am fully convinced that we are all seeking the same goal, the President, Secretary Volpe, the Congress, Mr. NATCHER, Mr. DAVIS, and their subcommittee, Mr. MAHON, Mr. Bow, and their Appropriations Committee.

We, on the Public Works Committee are determined and dedicated to advancing a model transportation system for the Nation but cooperation and coordination is vital to successful achievement of this goal.

I believe we have that cooperation in the Congress and President Nixon's administration but this is not the case of our local district court.

In reading the majority opinion, it is obvious that we have a biased and prejudiced individual setting in a key judicial position on this matter. He, quite properly, has the right to his opinion—which he has expressed but I believe he should permit the orderly appeals procedure to advance by setting a definite date for a new hearing or step aside and let someone hear the case who is open-minded and objective in their approach to the Three Sisters Bridge question.

Functioning democracy and the judicial process is set up to guarantee against anyone with a prejudiced view from blocking action or delaying a decision—if it is permitted to work as intended by our laws and our constitution.

The Congress and the President have a right to insist on this orderly and responsive procedure.

Were it not for the delaying and blocking tactics of this one man, as expressed by many here today, we would find it unnecessary to engage in this lengthy and sometimes emotional discussion.

This is the issue, I repeal the issue, before us today.

We are all taxing our patience but we will never let our determination subside. We will move forward together toward the coordinated integrated and balanced transportation system needed to accommodate the visitors, both foreign and domestic, who expect the best in the capital of the Free World.

Mr. NATCHER has been, as always, a real gentleman, a real champion during this prolonged battle. The Congress and the country will be deeply in his debt for the courageous stand he has taken and the leadership he has provided. He is a man of high character and purpose. He is defending the principles and the prerogatives of the Congress of the United States.

I am proud to associate myself with this great champion of our cause.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

(By unanimous consent, Mr. CONTE yielded his time to Mr. ANDERSON of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut (Mr. GLAIMO).

I certainly would not for one instance impute disloyalty to the President of the United States to any of those in this House who oppose this amendment, even though he has made a very clear appeal for adoption of this amendment.

By the same token, I would certainly hope that the action we take in supporting this amendment would not be construed as any act of disrespect or disloyalty to the minority leader for whom I voted to be Speaker of the House in 1971 and shall do so again, the Lord willing, in the next Congress.

But, it seems to me, the issue goes far beyond these personal loyalties. The fact is I think the gentleman from Wisconsin, GLENN DAVIS, and the gentleman from Kentucky, BILL NATCHER, are two of the finest men in this House—and I think any suggestion we do not hold these gentlemen in the highest esteem is entirely extraneous and irrelevant to the real issue before us.

I listened to the very eloquent and moving remarks of the gentleman from Texas (Mr. MAHON), the distinguished chairman of the Committee on Appropriations, in which he quoted those words by King Saul, the first King of Israel. I believe that King Saul perished in that battle. But I do not think the leadership of this House is going to perish if this amendment is adopted.

I would not want to match my knowledge of biblical lore against that of the gentleman from Texas (Mr. MAHON) but he would do well to recall that it was King Saul's intense jealousy of David that caused him finally to lose his reason and he thereby lost his effectiveness as a leader of Israel.

I would hope that we would not be so

obsessed this afternoon in our attitude toward Judge Bazelon that we lose our perspective as to what the real issue is.

I am not bowing to any fear of Judge Bazelon or of the federal judiciary, but I am very frank to confess I am bowing somewhat to a very real fear that the eight municipal governments contributing to this very necessary project may cease their contributions, if we do not release this \$72 million.

When I read that Montgomery County would hold up \$9 million and when I read that Fairfax County would hold up \$5 million and that a total of \$42 million that would otherwise be contributed taking into account the matching funds from the Federal Government might be withheld from the subway project, then it seems to me the issue becomes something other than what the courts have done or have not done in this particular case.

In his statement of November 18, the President pointed out that we are indeed at a "critical juncture" on this issue, the well-being of the Capital area is at stake, and any further delay might "consign the entire project to an early grave."

Mr. Chairman this Congress has a responsibility and an obligation to see this project through to completion. We have encouraged, approved, and authorized the Metro system through a long series of actions dating back to 1952. The taxpayers have a huge financial stake in this project. The people of the Washington metropolitan area have contributed willingly and generously to this project because they know their quality of life is at stake. The choice which confronts us is really no choice at all, for it is a choice between traffic chaos and congestion on the one hand, and a well-balanced transportation system on the other. And the key to such a well-balanced system is an areawide mass transit program.

Last year we enacted Public Law 91-543, the Urban Mass Transportation Assistance Act of 1970. That measure provides a Federal commitment of \$10 billion over a 12-year period for urban mass transportation programs. And yet, despite that firm commitment to solving our Nation's urban transportation problems, we continue to block funds to provide such a solution for our own National Capital. There can be no justification for this.

Mr. Chairman, in the brief time remaining to me, I would like to call the attention of my colleagues to a statement issued yesterday by Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency. We hear a lot of talk today about the need to re-order priorities and to make our environment safe and habitable. The question now before us is a clear-cut opportunity to put our money where our mouth is when it comes to priorities and the environment. As Mr. Ruckelshaus put it yesterday, and I quote:

The construction of a mass transit system in this metropolitan area is a necessary and much needed measure that would have a positive impact on the environment. Proper utilization of a Metro system would bring about a reduction in the number of miles driven in private automobiles with a corresponding improvement in the quality of the region's air.

Mr. Ruckelshaus went on to note that a Metro system can accommodate up to 40 times as many people in 1 hour as a single highway lane, and that it would also mean more efficient land utilization.

In conclusion, Mr. Chairman, I think this Congress has a positive obligation to help improve the quality of life in our Nation's Capital—to make it more habitable and accessible not only to the thousands who live and work in this area, but to the millions of tourists who visit us each year. For these reasons I strongly urge adoption of the Giaino amendment.

Mr. COUGHLIN. Mr. Chairman, I rise in support of the Giaino amendment to release funds for subway construction in the District of Columbia.

While many issues—some salient and some extraneous—have been raised, I prefer to believe that the House of Representatives will go to the core of the matter—the need and justice in releasing these funds for an urgent project in the Nation's Capital.

By any reasonable yardstick, Metro construction must proceed as quickly as possible. The cost in terms of taxpayers' dollars, economic consequences and human considerations rise daily and serve as vivid danger signals of what will transpire if we fail to meet our responsibilities.

We all pay homage to the concept of a balanced and coordinated system of private and public transportation. Now we can pay more than homage. We can put the money where the Metro is—or should be.

I submit that mass transit for far too long has teetered on the lower end of an imbalanced scale in the District.

The fine lines drawn in cloakroom talk about implementation of Federal-Aid Highway Acts and implications of court ruling should not smother the common-sense dictates of our minds and consciences which tell us unequivocally that there is no good reason why these funds should not be released.

Yes, there will be more highways constructed in the District. Yes, there will be more expressways. Yes, there will be continuing battles over the roles of roads and mass transit in the District.

So, let us not try to kid the people let alone ourselves.

Release the subway money now—some \$72 million of it. Show Maryland and Virginia that we in Congress can exercise at least as much responsibility as they have in contributing to the Metro system.

Congress has authorized the District to provide its share of the funds.

We speak—all of us—thousands and thousands of words each year that run up the printing bill for the CONGRESSIONAL RECORD. Responsibility, respect for the law, meeting our obligations, doing what is right—the words pour out as an endless torrent from high atop Capitol Hill.

All right, here is our chance to practice what we preach.

I urge my colleagues to join me in voting to release the Metro construction funds.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, in re-

sponse to my distinguished friend, the gentleman from Illinois in reference to concern over the environment by fellow Hoosier Mr. ROSTENKOWSKI, if we build the Three Sisters Bridge—and we will—we will eliminate much of the environmental problems at National Airport by making it faster and easier to reach Dulles Airport.

I think you will find more flights into Dulles and this way we may accomplish something on the environmental question right here in the District of Columbia.

Let me say that it has become increasingly more alarming that the highway system is in serious problem from the attitude and approval taken in the discussion. Those favoring the amendment are saying in fatal tones that it is now or never.

If we do not appropriate this money today, some are saying that there are going to be left big holes in the streets. I have decided if that is true, if they know something that I do not know—maybe a decision has been made by the courts that they intend to never hear the appeal.

So I think now, and even more so, the Committee on Appropriations is right in its position.

I am convinced of that right after listening to the arguments this afternoon that the court of appeal does not intend to reconsider the case.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I do not know how many Members here have read John Marquis. He wrote a book between World War I and World War II called "The Life and Times of Archie and Mahitabel."

It was the story of a reporter who had died and who came back to life in the body of a cockroach. He continued to write his stories even though he was now a cockroach by diving off the carriage of a typewriter onto the keys of the typewriter headfirst and thereby continued to write.

One of the things he wrote was a very short statement. What he said was:

Did you ever notice that when a politician does get an idea, he usually gets it all wrong?

I suggest to you that that statement is very appropriate in considering the kind of compromise which we are talking about here today. You would think from hearing the description of the so-called compromise being discussed here today that we are compromising with the court. The fact is that we are not. You would think we were withholding money from the court. The fact is that we are not. We are withholding money from the District. We are withholding money from Metro. The simple fact is that the District, Metro, and the administration, are in compliance and therefore are entitled to have this money.

I think it strange logic indeed for people to place as much emphasis as they have upon the issue of noncompliance, when the Congress, by the very act of withholding funds from Metro, will force the District to be in noncompliance on the District contract with the other subdivisions that are signatories to that contract on the Metro.



What we would be asking in effect is that the District be in noncompliance with the contract which we authorized them to enter into in the first place.

The hard facts are simply these: Metro is out of money as far as offering new contracts is concerned, and if we have any further delay we will be faced with either increased costs or the death of Metro. I do not think there is any doubt about it.

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

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. I have a very important announcement, because I think it will put this whole debate in proper perspective. The court of appeals has just refused to review the petition, and therefore all these agreements that have been propounded here are fait accompli. The only appeal now is an appeal to the Supreme Court of the United States, on a writ of certiorari.

Mr. OBEY. Then if that is indeed true, what we are faced with, Mr. Chairman, is a game of "chicken."

We are going to decide whether we are going to be more stubborn or whether the court is going to be more stubborn. First we had a game of "chicken" between this House and the District. Then we had a game of "chicken" between this House and the administration. Now it is a game of "chicken" between us and Judge Bazelon, which can have only one of two results: We can have the death of the subway or we can have delayed completion of that subway at a fantastic increase in cost. I do not think we want the responsibility for another cost overrun similar to those we have had in connection with the F-14 and the C-5A. Regardless of how bad you feel Judge Bazelon's decision is, I ask you to exercise a degree of responsibility which would be greater than many Members in this body feel has been exhibited by Judge Bazelon, and probably now by the court of appeals. I urge you to vote for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I do not think the announcement that was made here makes a great deal of difference. I have no way of corroborating it. But what it seems to me it does do now is to clear the track and to permit this question to go directly to the U.S. Supreme Court. I do not believe that it affects the situation as we now have it one single bit.

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

Mr. DAVIS of Wisconsin. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. I think this clarifies the situation. The Department of Justice can now immediately ask for a hearing before the U.S. Supreme Court. The Supreme Court can set it down for hearing promptly. They have done so in other cases, including the so-called Pentagon papers case, where they acted very promptly. It seems to me that this is a

very, very important circumstance that would justify their immediate action.

Mr. DAVIS of Wisconsin. I do not think it changes the real situation in any way.

Aside from the position of this House, which concerns its leadership and the individual Members, I think this boils down to the basic question as to whether we are going to have a balanced transportation system for this area or whether we are not.

Those of us who have lived with this problem for a number of years are determined that we shall have a balanced system and are committed to a balanced system.

I simply do not concede that the sponsors of this amendment are on the side of the President and that the rest of us are not. I do say that the gentleman from Kentucky has had much greater experience, and I to a lesser extent, in dealing with the implementation of a balanced transportation system than do any of the young men from the White House who have been so much in evidence around here for the last several days.

We strongly believe that the very reasonable suggestion that has been made will get a balanced transportation system in progress and in being more rapidly than will the complete capitulation of this House of Representatives.

I have known the President for almost 25 years. He wants the subway. He wants a balanced transportation system—and so do I; and so does the gentleman from Kentucky (Mr. NATCHER); and so does the Speaker of the House, who came with the President at the beginning of the 80th Congress; and so does the distinguished minority leader, the gentleman from Michigan; and so do the chairman and the ranking minority member of the full Appropriations Committee; and we are united in our belief that this amendment should be defeated.

So when we are told the President wants the subway, I say this: He also wants the freeways, and we are going to give him both and not just half of the package.

I believe that when these distinguished leaders of this House and the members of the Appropriations Committee apply their experience and their knowledge of this entire matter, we are going down the road of accomplishing the President's wishes.

Of course, the President has asked for the subway money specifically, but he does not need to ask specifically for the freeway money. It is there, ready to be used as a part of the \$200 million which has accumulated because of freeway obstruction.

A negative vote will not kill the subway. It will convey the message where it needs to be conveyed, that this House, which necessarily took the bull by the horns in defining a balanced transportation system, will do what must be done to assure that this system will be implemented in accordance with its mandate and in accordance with the President's strongly stated policy.

The CHAIRMAN. The Chair recog-

nizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I apologize for not being here earlier, and I do not want to sound dramatic. However, I have been saying it is not proper for the judiciary system to involve itself in legislative matters, and I have been saying, equally so, it is not proper for the legislative branch to get involved in judicial matters. I just received a call from my office which has checked out a rumor of what happened about 5 or 10 minutes ago with the U.S. court of appeals. I am told that there is an official order—and I take no authority for this other than what my office was just told by the clerk of the court—turning down an appeal for rehearing. I am also told that Mr. Krug in the White House is preparing an immediate writ of certiorari to the Supreme Court.

This involves us in the danger, when we become involved in putting conditions on legislation which we have passed, of involving ourselves in the orderly process of the judicial system.

If the facts are indeed as they appear to be, I would like to ask my Chairman and the distinguished minority leader where this leaves us on the future of the subway funds if, in fact, nothing remains now but a determination of this by the Supreme Court of the United States, who will ultimately declare what the law is as to the construction of the Three Sisters Bridge.

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

Mr. GIAIMO. I yield to the gentleman from Kentucky.

Mr. NATCHER. In answer to the gentleman's question, I should like to first state this, Mr. Chairman: If the report which the gentleman from Connecticut has just made, and the report which I believe was also made by the gentleman from Massachusetts (Mr. CONTE) that the Circuit Court of Appeals has denied an appeal, is true, I am not at all surprised. We are right back in the hands of Judge Bazelon, who has made up his mind for a period of 4 years that the rights and the laws of Congress are not going to be enforced.

So far as the gentleman's question with regard to the Supreme Court is concerned, I think there is no question at all but what this case must go to the Supreme Court. But the funds, \$72 million, should now be refused until the law is enforced.

Mr. GIAIMO. Mr. Chairman, I submit we should fund this program, which has cost \$55 million in additional delays to the subway, and we should abide by the law of this Nation and the courts, who determine what the true Highway Act of 1969 was. This can only be determined by the Supreme Court.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky to close debate.

Mr. NATCHER. Mr. Chairman, I should like to respectfully request the Committee to defeat the amendment which is now before the Committee.

The CHAIRMAN. All time has expired. The question is on the amendment

offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

#### TELLER VOTE WITH CLERKS

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GIAIMO, DAVIS of Wisconsin, CONTE, and NATCHER.

The Committee divided, and the tellers reported that there were—ayes 196, noes 183, not voting 52, as follows:

[Roll No. 426]

[Recorded Teller Vote]

#### AYES—196

Abourezk	Giaimo	Pelly
Abzug	Gibbons	Pepper
Adams	Goldwater	Pettis
Addabbo	Gonzalez	Peyser
Anderson,	Grasso	Pike
Calif.	Green, Oreg.	Podell
Anderson, Ill.	Green, Pa.	Price, Ill.
Ashley	Gude	Pryor, Ark.
Aspin	Halpern	Quie
Barrett	Hamilton	Rangel
Bell	Hanley	Rees
Bergland	Hansen, Idaho	Reid, N.Y.
Betts	Hansen, Wash.	Reuss
Blester	Harrington	Rhodes
Bingham	Harvey	Robison, N.Y.
Boggs	Hastings	Roncallo
Boland	Hathaway	Rooney, Pa.
Bolling	Hawkins	Rosenthal
Brademas	Hechler, W. Va.	Roush
Brasco	Heckler, Mass.	Roy
Brown, Mich.	Heinz	Roybal
Broyhill, N.C.	Helstoski	Ruppe
Broyhill, Va.	Hicks, Mass.	Ryan
Buchanan	Hicks, Wash.	St Germain
Byron	Hillis	Sarbanes
Carey, N.Y.	Hogan	Saylor
Carney	Horton	Scheuer
Chisholm	Hosmer	Schwengel
Clay	Hungate	Seiberling
Cleveland	Jacobs	Shipley
Collier	Karth	Shoup
Conable	Kastenmeier	Smith, N.Y.
Conte	Keith	Staggers
Conyers	Koch	Stanton
Cotter	Kyros	J. William
Coughlin	Leggett	Steele
Culver	Lent	Steiger, Wis.
Daniels, N.J.	Link	Stokes
Danielson	Lloyd	Stratton
Dellenback	Lujan	Stuckey
Dellums	McClary	Sullivan
Dennis	McCloskey	Symington
Diggs	McCormack	Teague, Calif.
Dingell	McKinney	Thompson, N.J.
Dow	Maillard	Tiernan
Drinan	Matsunaga	Udall
du Pont	Mazzoli	Ullman
Dwyer	Meeds	Van Deerlin
Eckhardt	Melcher	Vanik
Edwards, Calif.	Mikva	Veysey
Erlenborn	Miller, Calif.	Vigorito
Esch	Minish	Waldie
Eshleman	Mink	Whalen
Evans, Colo.	Mitchell	Whalley
Fascell	Mollohan	Whitehurst
Findley	Monahan	Widnall
Fish	Moorhead	Wiggins
Foley	Morse	Wilson
Ford	Mosher	Charles H.
William D.	Moss	Wolff
Forsythe	Murphy, N.Y.	Wyder
Fraser	Nedzi	Wyman
Frelinghuysen	Nelsen	Yates
Frenzel	Nix	Yatron
Frey	Obey	Zablocki
Gallagher	O'Hara	Zwach
Gaydos	O'Neill	

#### NOES—183

Albert	Aspinall	Bow
Andrews,	Barling	Bray
N. Dak.	Begich	Brinkley
Annuzio	Bennett	Brooks
Archer	Bevill	Broomfield
Arends	Blaggi	Brotzman
Ashbrook	Blackburn	Brown, Ohio

Burke, Fla.	Jarman	Powell
Burke, Mass.	Johnson, Calif.	Preyer, N.C.
Burleson, Tex.	Johnson, Pa.	Price, Tex.
Burlison, Mo.	Jonas	Randall
Byrnes, Wis.	Jones, Ala.	Rarick
Cabell	Jones, N.C.	Robinson, Va.
Caffery	Kazen	Roe
Camp	Keating	Rogers
Carter	Kee	Rooney, N.Y.
Casey, Tex.	Kemp	Rousselot
Cederberg	King	Ruth
Chamberlain	Kluczynski	Sandman
Chappell	Kyl	Satterfield
Clancy	Landgrebe	Scherle
Clausen,	Latta	Schmitz
Don H.	Lennon	Schneebeli
Clawson, Del	Long, La.	Scott
Collins, Tex.	Long, Md.	Sebelius
Colmer	McCollister	Shriver
Corman	McCulloch	Sisk
Crane	McDade	Skubitz
Daniel, Va.	McDonald,	Slack
Davis, Wis.	Mich.	Smith, Calif.
de la Garza	McEwen	Smith, Iowa
Delaney	McFall	Snyder
Devine	McKay	Spence
Dickinson	McKevitt	Springer
Donohue	Macdonald,	Stanton
Downing	Mass.	James V.
Dulski	Madden	Steed
Duncan	Mahon	Steiger, Ariz.
Edmondson	Mann	Stephens
Edwards, Ala.	Martin	Stubblefield
Fisher	Mathias, Calif.	Talcott
Flood	Mathis, Ga.	Taylor
Flowers	Michel	Teague, Tex.
Ford, Gerald R.	Miller Ohio	Terry
Fountain	Mills, Ark.	Thompson, Ga.
Fuqua	Mills, Md.	Thomson, Wis.
Galifianakis	Minshall	Thone
Gettys	Mizell	Vander Jagt
Goodling	Montgomery	Waggonner
Gray	Morgan	Wampler
Griffin	Murphy, Ill.	Ware
Gross	Myers	White
Grover	Natcher	Whitten
Haley	Nichols	Williams
Hall	O'Konski	Wilson, Bob
Harsha	Passman	Winn
Hays	Patman	Wright
Henderson	Patten	Wyatt
Howard	Perkins	Wylie
Hull	Pickle	Young, Fla.
Hunt	Pirnie	Young, Tex.
Hutchinson	Poage	Zion
Ichord	Poff	

#### NOT VOTING—52

Abbitt	Denholm	Holifield
Abernethy	Dent	Jones, Tenn.
Alexander	Derwinski	Kuykendall
Anderson,	Dorn	Landrum
Tenn.	Dowdy	McClure
Andrews, Ala.	Edwards, La.	McMillan
Badillo	Eilberg	Mayne
Baker	Evins, Tenn.	Metcalfe
Belcher	Flynt	Pucinski
Blanton	Fulton, Tenn.	Purcell
Blatnik	Garmatz	Quillen
Burton	Griffiths	Rallsback
Byrne, Pa.	Gubser	Riegle
Celler	Hagan	Roberts
Clark	Hammer-	Rodino
Collins, Ill.	schmidt	Rostenkowski
Davis, Ga.	Hanna	Runnels
Davis, S.C.	Hébert	Sikes

So the amendment was agreed to.

#### AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

Sec. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties make

such transportation necessary, but only as to such latter cases when approved by the Commissioner.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 13, strike the following: On line 12, "the"; line 13; on line 14, "all of the District of Columbia".

Mr. JACOBS. Mr. Chairman, I commend the Committee on Appropriations for doing almost as much of the job as I think should be done with regard to chauffeur-driven cars for the District of Columbia government. All were deleted except three. And I am offering an amendment now to delete two of the three that have been brought back from the committee.

The three that were authorized were for the Commissioner, the Deputy Commissioner, and the Chairman of the Council. This amendment would delete the second and third authorizations.

Mr. Chairman, I simply take the position that a public servant is there to serve the public, and the public is not there to serve the servant. I do not think there is any justification for chauffeur-driven automobiles with the possible exception of a chief executive. I have a bill, as I have said before, before the House, to delete all of the chauffeur-driven automobiles in the U.S. Government that the taxpayers are asked to supply, except for the President, the Vice President, Cabinet Members, and the Speaker of the House.

Officials of the District of Columbia government do not need to be chauffeured around. After all, there will be a subway now for them to ride on and I urge you to adopt this amendment.

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

Mr. JACOBS. I yield to the gentleman.

Mr. MYERS. To perfect your amendment, would you also not have to correct the language on page 15, lines 12 and 13?

Mr. JACOBS. If there is any additional language necessary, I am unaware of it.

Mr. MYERS. Section 16 is a further provision providing that none of the appropriations in this act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council. That is also on page 15 of the bill.

Mr. JACOBS. No chauffeur could be employed or hired except for the Mayor if the language of this amendment is adopted.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as was pointed out by the gentleman from Indiana, we have placed a limitation in the bill, on the number of chauffeurs and the amount of their compensation.

I think it would be a serious mistake to have an amendment this time which would mean that only the Commissioner is to have a chauffeur and a car and that the Assistant Commissioner would not have one and the Chairman of the City Council would not have one.



Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. JACOBS) there were—ayes 100, noes 68.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 15. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided*, That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: Page 15, insert immediately after line 18, the following new section:

"SEC. 16. No part of the appropriations made by this Act shall be available for the financing of the activities of the Washington Metropolitan Area Transit Authority until such Authority, as an agency of the Federal Government, has complied with section 102(C) of the National Environmental Policy Act of 1969."

Mr. SCHERLE. Mr. Chairman, the amendment is a very simple one. The Washington Metropolitan Area Transit Authority is a Federal agency under this act. There are \$1.15 billion in direct funds, and a minimum of \$65 million as the Federal share of the District of Columbia's portion. That makes the Federal tax dollars now involved in the subway amount to \$1.8 billion. Thus the Federal share is well over 50 percent of the funds which the various areas will expend. In addition, the Metro authorities have submitted various preliminary proposed environmental impact drafts, and have directed the selection of a competent consultant to undertake a full study of the environmental aspects of the entire Metro project. In summary Mr. Chairman, I believe it is clear that a project of this magnitude is a "major Federal project significantly affecting the quality of the human environment" to be included under Public Law 91-190.

Mr. EVANS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. EVANS of Colorado. Mr. Chairman, the Committee has just expressed its opinion on the issue of going forward with the expenditure of these funds. It was a close vote. It was a vote that was taken after extended debate.

The amendment puts the issue in a different light and challenges it again, and

I hope the Committee will vote it down.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the requisite number of words.

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

Mr. GERALD R. FORD. I would like to ask the gentleman from Colorado if he does not think the Environmental Protection Act ought to be applicable to the Metro system. Is the gentleman against enforcement of that legislation in this case?

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I think the gentleman from Michigan well understands and knows the answer to the question because he has been here much longer, of course, than I have. The decision to construct this subway was made many years ago. It is now under construction. I think the purpose of the amendment is to do that which was not possible to do under the previous question we voted on.

The project has been approved by the Congress. Moneys have been spent on it. It is now under construction. Now to subject further construction to the provisions of the amendment offered by the gentleman from Iowa, I think, is dilatory and an endeavor to do through the back door what was not done on the last vote.

Mr. GERALD R. FORD. Let me respond by saying that Congress took such action in the case of the SST as far as environmental protection matters are concerned after that project was initiated. I am surprised the gentleman from Colorado does not want the Environmental Protection Act enforced in this case. I do not know why this project should be made an exception.

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman from California.

Mr. HOSMER. I would like to point out that the Environmental Protection Act, insofar as its impact upon the construction of nuclear reactors is concerned has been very serious, and in the gentleman's own State a reactor that is needed very badly is being held up to be sure it is in compliance with the requirements of the Environmental Protection Agency. So when we are dealing with something that concerns the Nation's energy and make this kind of requirement, levy this kind of regulation upon the environmental effects, I think probably the levy should be universal with respect to all subjects and activities. I therefore urge that the gentleman's amendment be agreed to.

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

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

Mr. EVANS of Colorado. I appreciate the comments of the gentleman from California. I would like to say further in answer to the argument of the minority leader that the very thing that gave difficulty to the freeway system through the court of appeals was the question of environmental impact. It is the issue which

has hung up the freeways over the strong objection of the gentleman—

Mr. GERALD R. FORD. Mr. Chairman, this is my time and I refuse to yield further.

The CHAIRMAN. The gentleman from Michigan has the floor. Does the gentleman yield?

Mr. GERALD R. FORD. I do not.

If it is important in the construction of the Three Sisters Bridge that we have a study made and the impact analyzed under the Environmental Protection Act, the same criteria ought to apply as far as the Metro system is concerned. I am amazed that the gentleman from Colorado wants a double standard. He wants it imposed in one case and not in the other.

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

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

Mr. HOSMER. Mr. Chairman, I want to point out that I am one of those who just voted for the amendment to put the Metro money in the bill. But I think, having voted that way, that I am entitled now to say that in proceeding with the Metro Environmental Protection Act requirements ought to be met. What is sauce for the goose is also sauce for the gander.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had no intention of getting involved in this, but I have decided I must, because the sequence of events is so obvious. I found it extraordinarily difficult to make up my mind on how to vote on this matter, because I am a great admirer of the gentleman from Kentucky, and at his request I very thoroughly studied the matter and came to the conclusion that while the decision of the court was an outrage, that it was not directly connected in my view with the question of whether there should be constructed a rapid transit system.

Now if the amendment of the gentleman from Iowa was valid, it was valid at every point in the consideration of this matter heretofore. It was valid ever since there has been an Environmental Protection Act. But I do not notice that anybody has ever raised the question until after it became possible to go forward with the rapid transit. The amendment comes after the event. If it had been entirely serious, it might have come as an amendment to the amendment offered by the gentleman from Connecticut.

I do not question the good faith of the gentleman from Iowa. I am sure he is acting on the spur of the moment, having suddenly realized this danger, this threat, but I do suggest that those who supported Metro before by that record teller vote, should take into consideration the effect of this amendment on the action they clearly intended to take, and that was to see to it that the funds for the rapid transit were made available and that they were expended promptly.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Using the analogy of the gentleman from Missouri, I would take it that any constitutional problem would not be a

proper vehicle to get a case into the Supreme Court, because the Constitution is 190 years old and we have been accepting a practice. Carried even further, we have been building a number of generating stations for electricity in this country for a number of years—to light the light bulbs, ever since light bulbs were invented—and today we are not building further generating stations until we resolve the questions of the impact on the environment.

But now when we question the Metro and say that we wish to make it comply with the law of the land, the gentleman from Missouri and the gentleman from Colorado—and I am sure they all voted for that environmental protection law—say suddenly that it does not apply to the Metro system. I do not think they mean that. I am sure everyone in this House will support the gentleman from Iowa, who wants to protect the environment for our children.

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

Mr. MYERS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank my colleague for yielding.

For the information of the gentleman from Missouri, I do serve on the Appropriations Committee and it was my intention to offer this amendment regardless.

Furthermore, there is an obsolete Nike missile base located in Harrison County, Iowa, which was transferred to the Iowa Western Community College located in Council Bluffs, Iowa, just last month. Before they could get the title transfer, they had to go through an environmental impact study for 5 months. The school is not going to do anything more with it except use it for agricultural purposes, and that will not disturb the ecology. And now when I propose an amendment to apply the same ecology requirements to the Metro, people say suddenly it should not be. I do not like double standards.

If it is good for Pottawattamie County, Iowa, it is good for Washington, D.C.

Mr. MYERS. The charge was made that the gentleman from Iowa offered this amendment on the spur of the moment. I have examined the copy of the amendment the gentleman presented to me. It looks like it was pretty well prepared. It has been run off on a Thermofax. I do not believe the gentleman, on the spur of the moment, after the teller vote 3 minutes ago, did all this.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

The charge, of course, has been made that the money has been voted, and therefore we should not require compliance with the Environmental Protection Act.

If we go back to look at the Overton Park case in Memphis, Tenn., the approval was made for that prior to the 1969 act.

The same is true of a case in San Antonio, Tex.

The same is true in Georgia, involving a leg of I-75.

The Environmental Impact Act was passed after the routes were selected and the money was made available. However, it was determined, in order to protect the environment, that the act should apply in each case.

I believe the people of this area should have the same protection. If the environment is going to be harmed through the rapid transit system, certainly that should be looked at. To do otherwise is most inconsistent.

Mr. MYERS. The controversial Three Sisters Bridge was under construction. The piers had been started. They had made diggings in the river itself. There is still a big pier floating in the river.

But I do not remember anybody in this body saying that the courts did not have a right to move in and to issue an injunction, because the work was being done, because we were building the bridge. I do not remember the gentleman from Missouri or the gentleman from Colorado saying that the court was wrong because we had already started the highways and the bridge.

I do not believe that is a sound argument. An "aye" vote on this amendment is for a clean environment and confirmation for the intent of the EPA. A "no" vote is against the best interest of protection of the ecology and against the environment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

I should simply like to point out that there have been a number of projects which have passed this Congress in this year, both in the defense budget and in the public works budget, which contained projects to which an environmental impact statement was not attached. If a double standard is being established, it is being established here today, right now by this amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask a question of the author of this amendment, because I am not sure about it, so I ask the gentleman from Iowa to help me on this.

If this amendment is passed, what does the gentleman see as the impact on moving ahead with the subway program? I am not clear in my own mind as to what would be done.

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

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

Mr. SCHERLE. My answer would be simple. It would be up to the Environmental Protection Agency, or environmental quality just like on any other project.

Mr. PEYSER. What I am trying to get at is this, would the gentleman anticipate that nothing could move forward at this time until a study had been made? I am trying to get a feeling as to what is involved.

Mr. SCHERLE. I wish I were in a position to give a proper answer to the gentleman, but I do not have any idea. I would say this should be given the same consideration as any other Federal project.

This Congress passed the law. I believe it should be completely adhered

to so far as all Federal projects are concerned.

The gentleman from Wisconsin made a statement that others had passed without environmental studies. Perhaps someone forgot to put in an amendment, but on this I assure the Members I will.

On the previous amendment offered by the distinguished gentleman from Connecticut (Mr. GIALMO), I regret that President Nixon became personally involved in this impasse, as a former legislator he must have shared our desire for a balanced transportation system—undoubtedly he received typical bad advice from his two top aides the "Katzenjammer Kids." Hans and Fritz, Erlichman and Haldeman. It is quite obvious they do not understand the integrity of Congress any more than they do the intricate complexities of agriculture.

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

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

Mr. ROUSSELOT. I believe it is perfectly obvious. Mr. Ruckelshaus is the head of the Environmental Protection Agency, and he favors the advancement of the transportation system and has endorsed it, and put out a news release today. I do not believe he would hold up any action. He has put himself on record for it. I am sure he would make sure, as he does for all these types of projects, that this is given fair and equitable consideration, especially since he has already announced for it.

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

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

Mr. MYERS. I do not think it is a question of what would happen, but a question of Do we want to comply with the law?

Do you want the Metro system built if it is going to be a threat to our ecology, regardless? What was the intent of the Environmental Protection Act? To protect the consumer or our society and to protect all of us from the threat of really doing serious damage to our ecology and environment. So, regardless of what effect this amendment might have on the Metro, the important thing is, do we not also want the Metro to be under this protection in order to protect society and the community of Washington, D.C.?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and the Chairman announced that the yeas appeared to have it.

#### TELLER VOTE WITH CLERKS

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SCHERLE, OBEY, MYERS, and EVANS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 163, noes 205, not voting 63, as follows:



[Roll No. 427]  
[Recorded Teller Vote]

AYES—163

Archer	Hall	Quie
Arends	Harsha	Randall
Ashbrook	Harvey	Rarick
Aspinall	Hechler, W. Va.	Rhodes
Bennett	Heckler, Mass.	Robinson, Va.
Biaggi	Hillis	Robison, N.Y.
Blackburn	Hosmer	Roe
Bow	Hunt	Rogers
Bray	Hutchinson	Roncallo
Brinkley	Ichord	Rousselot
Broomfield	Jarman	Ruth
Brotzman	Johnson, Calif.	Sandman
Brown, Mich.	Johnson, Pa.	Satterfield
Brown, Ohio	Jonas	Saylor
Burke, Fla.	Jones, N.C.	Scherle
Burleson, Tex.	Kemp	Schmitz
Cabell	King	Schneebeli
Caffery	Kyl	Schwengel
Camp	Landgrebe	Sebellius
Carter	Latta	Shoup
Cederberg	Lennon	Shriver
Chamberlain	Lloyd	Skubitz
Chappell	Long, La.	Slack
Clancy	Long, Md.	Smith, Calif.
Clausen	Lujan	Smith, Iowa
Don H.	McCollister	Snyder
Clawson, Del.	McCulloch	Spence
Collier	McDonald,	Stanton,
Collins, Tex.	Mich.	J. William
Colmer	McEwen	Steed
Conable	Mann	Steiger, Ariz.
Cotter	Martin	Stubblefield
Coughlin	Mathias, Calif.	Talcott
Crane	Mathias, Ga.	Taylor
Daniel, Va.	Michel	Teague, Calif.
Davis, Wis.	Miller, Ohio	Teague, Tex.
de la Garza	Mills, Md.	Thompson, Ga.
Delaney	Minshall	Thomson, Wis.
Devine	Mizell	Thone
Dickinson	Montgomery	Vander Jagt
Downing	Myers	Waldie
Dulski	Natcher	Wampler
Duncan	Nelsen	Ware
Edmondson	Nichols	Whalley
Eshleman	O'Hara	White
Fisher	O'Konski	Whitten
Flowers	Passman	Williams
Ford, Gerald R.	Patman	Wilson, Bob
Fountain	Pelly	Winn
Gaydos	Perkins	Wylder
Gettys	Pickle	Wylie
Goodling	Pike	Wyman
Griffin	Pirnie	Young, Fla.
Gross	Poff	Zion
Grover	Powell	
Haley	Price, Tex.	

NOES—205

Abourezk	Daniels, N.J.	Hanley
Abzug	Danielson	Hanna
Adams	Dellenback	Hansen, Idaho
Addabbo	Denholm	Hansen, Wash.
Albert	Dennis	Harrington
Anderson, Calif.	Diggs	Hastings
Anderson, Ill.	Dingell	Hathaway
Annunzio	Dow	Hawkins
Ashley	Drinan	Hays
Aspin	du Pont	Heinz
Baring	Dwyer	Helstoski
Barrett	Eckhardt	Henderson
Begich	Edwards, Ala.	Hicks, Mass.
Bergland	Edwards, Calif.	Hicks, Wash.
Betts	Erlenborn	Hogan
Bevill	Esch	Horton
Bieber	Evans, Colo.	Howard
Bingham	Fascell	Hull
Boggs	Findley	Hungate
Boland	Fish	Jacobs
Bolling	Flood	Jones, Ala.
Brademas	Foley	Karth
Brasco	Ford,	Kastenmeier
Brooks	William D.	Kazen
Broyhill, N.C.	Forsythe	Keating
Broyhill, Va.	Fraser	Kee
Buchanan	Frelinghuysen	Kluczynski
Burke, Mass.	Frenzel	Koch
Burlison, Mo.	Frey	Kyros
Byrnes, Wis.	Fuqua	Leggett
Byron	Gallifanakis	Link
Carey, N.Y.	Gallagher	McClory
Carney	Gialmo	McCloskey
Casey, Tex.	Gibbons	McCormack
Chisholm	Gonzalez	McDade
Clay	Grasso	McFall
Cleveland	Gray	McKay
Conte	Green, Oreg.	McKinney
Conyers	Green, Pa.	Macdonald,
Corman	Gude	Mass.
Culver	Halpern	Madden
	Hamilton	Mahon

Mailliard	Price, Ill.	Stephens
Matsunaga	Pryor, Ark.	Stokes
Mazzoli	Rangel	Stratton
Meeds	Rees	Stuckey
Meicher	Reid, N.Y.	Sullivan
Mikva	Reuss	Symington
Miller, Calif.	Rooney, N.Y.	Terry
Mills, Ark.	Rooney, Pa.	Thompson, N.J.
Minish	Rosenthal	Tierman
Mink	Roush	Udall
Mitchell	Roy	Ullman
Mollohan	Roybal	Van Deerin
Monagan	Ruppe	Vanik
Moorhead	Ryan	Veysey
Morgan	St Germain	Vigorito
Mosher	Sarbanes	Whalen
Moss	Scheuer	Whitehurst
Murphy, Ill.	Scott	Widnall
Murphy, N.Y.	Seiberling	Wiggins
Nix	Shipley	Wilson,
Obeys	Sisk	Charles H.
O'Neill	Smith, N.Y.	Wolff
Patten	Springer	Wright
Pepper	Staggers	Wyatt
Pettis	Stanton,	Yates
Peyser	James V.	Yaaron
Podell	Steele	Young, Tex.
Preyer, N.C.	Steiger, Wis.	Zablocki

NOT VOTING—63

Abbott	Dent	Landrum
Abernethy	Derwinski	Lent
Alexander	Donohue	McClure
Anderson,	Dorn	McKevitt
Tenn.	Dowdy	McMillan
Andrews, Ala.	Edwards, La.	Mayne
Andrews,	Eilberg	Metcalfe
N. Dak.	Evins, Tenn.	Morse
Badillo	Flynt	Nedzi
Baker	Fulton, Tenn.	Poage
Belcher	Garmatz	Pucinski
Bell	Goldwater	Purcell
Blanton	Griffiths	Quillen
Blatnik	Gubser	Rallsback
Burton	Hagan	Riegle
Byrne, Pa.	Hammer-	Roberts
Celler	schmidt	Rodino
Clark	Hébert	Rostenkowski
Collins, Ill.	Holifield	Runnels
Davis, Ga.	Jones, Tenn.	Sikes
Davis, S.C.	Keith	Waggonner
Dellums	Kuykendall	Zwach

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, now that the subway issue apparently has been resolved, at least temporarily and to some extent, I have heard of a report that the District of Columbia government requires construction permits—not just an overall permit—for the construction of the subway.

In other words, I hear that whenever a contractor opens a street and goes to work on the subway, they must purchase another permit.

Does the distinguished gentleman from Kentucky have any information to confirm or deny this report—that costly permits are being required in connection with this construction?

Mr. NATCHER. Mr. Chairman, will the gentleman yield

Mr. GROSS. I am happy to yield to the gentleman.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend from Iowa that I am unable to answer his question—I do not know the answer to it.

As far as the number of permits or the issuance of permits is concerned, I am unable to answer.

Mr. GROSS. Then I have another question for the gentleman.

Is the gentleman aware of the bill that has been introduced which would provide that the Federal Government guarantee \$1,200,000,000 worth of bonds for

the construction of the subway in the District of Columbia, and that by reason of the fact that some \$850 million worth of bonds are outstanding—that cannot be sold because those in the business of buying bonds will not touch them without a Federal guarantee?

Mr. NATCHER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to my friend from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to my friend, when the rapid rail transit of 98 miles was authorized in 1969, the bill provided for the payment of \$2,500,000,000—\$835 million of that amount was to be in bonds to be issued and retired out of the fare box.

About a year later, they were advised that the bankers and brokers in this country would not buy the bonds because they know they cannot be retired out of the fare box.

A bill was introduced about 2 weeks ago in the House and it is now before the Committee on the District of Columbia which provides that instead of \$835 million there will be \$1,200 million worth of bonds to be guaranteed by the Federal Government. That bill is now pending. The bankers and brokers say that they will buy the bonds if the Federal Government guarantees them.

Mr. GROSS. So it is possible and very probable that Congress will be confronted in the near future with an unprecedented financing proposition in connection with this white elephant subway for the District of Columbia. That is, that the Federal Government will be asked to guarantee \$1,200 million worth of bonds?

Mr. NATCHER. That is correct.

Mr. GROSS. This is not being done anywhere else in the country to the gentleman's knowledge, is that correct?

Mr. NATCHER. As the gentleman has stated, this will establish a precedent. Hearings will be held on the bill and it will be brought to the floor for action.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I predict that the authorization by Congress of a subway in the District of Columbia will prove to be one of the most improvident acts in which it has ever engaged. It is outrageous that hundreds of millions—yes, probably billions of the costs—will be saddled upon the taxpayers of the entire country.

For that reason, and because there is far too much Federal money in this bill for the support of a mismanaged, extravagant District government, I want to be recorded here and now as in opposition to this legislation.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The portions of the bill to which the amendment relates are as follows:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1972: \$162,000,000 to the general fund; \$2,572,000 to the water fund; and \$1,514,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, sec. 47-2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, sec. 43-1541 and 1611).

## PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed \$75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of \$400 per vehicle for police-type and \$600 per vehicle for fire-type use above such limitation); \$169,167,000, of which \$5,004,600 shall be payable from the highway fund (including \$112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

The Clerk read as follows:

Amendment offered by Mr. MIKVA of Illinois: On page 2 beginning on line 3, strike out "\$162,000,000" and insert in lieu thereof "\$164,717,600."

On page 4, at line 22, strike out "\$169,167,000" and insert in lieu thereof "\$171,884,600."

Mr. MIKVA. Mr. Chairman, I realize that the hour is late, but I hope that even at 10 minutes to 6 we ought to be concerned about the possibility that an action we are taking here might turn out to be not even pennywise but very, very extremely foolish in terms of the correctional institutions of the District of Columbia. What troubles me so much about this—and I referred to this during the general debate—is that there is no place in the RECORD where anyone pointed out any justification for cutting the requests that have been made for staffing the correctional institutions of the District of Columbia. I think the committee ought to know what is the current state of those institutions. The District of Columbia jail, with a rated operating capacity of 663, has 1,250 inmates in it currently.

The Women's Detention Center, with a rated capacity of 50, has 109 inmates in it currently.

The Youth Center, with a rated capacity of 324, has 382 inmates in it currently and 110 additional youths waiting at the District of Columbia jail because there is no room for them at the Youth Center.

In the light of this, and in light of the fact that almost every department of the District of Columbia budget went up, the committee saw fit to cut the corrections budget by \$551,000 over what it was last year. My amendment would restore that cut and restore the additional staff positions, which I would like to detail very briefly.

The committee cut over \$1 million from the Community Corrections Service. These are the halfway houses.

Mr. Chairman, whether you like halfway houses or not, what this cut means is that 100 inmates that are now being treated in halfway houses will have to go back to jail; and instead of increasing the number of guards, we have cut them. You cannot eat your cake and have it, too, when you are dealing with a prison population that is not only there but is going up.

The second point I would like to make is that the entire prognostication for this budget for corrections was made on the basis of a prison population that is lower than the existing population now there. With a larger and more efficient police department and court system we are catching more criminals and they are going to jail. Unless we put in more guards and additional facilities, we have another Attica potential on our hands.

The committee cut some 52 positions, including 17 correctional officers for the new youth facility; six positions from the parole staff, 22 community correction positions to staff narcotic treatment centers, which are supposed to open and which will not be able to open unless we restore this cut. This is the kind of impact of this \$2 million cut.

I understand from the distinguished chairman of the subcommittee that one of the reasons for the cuts as far as staff is concerned was a provision that was put in by the District of Columbia Committee, of which I am a member, limiting the total number of employees for the District of Columbia.

The distinguished gentleman from Wisconsin, its former Governor, was the man who authored that amendment. I am sure I speak for him and every member of the committee in saying that we did not desire to have the narcotic centers closed or the youth center cut as a result of that amendment.

I suggest to the members of the committee that unless my amendment is adopted, we face the proposition that every one of the correctional institutions now functioning is going to be undermanned.

And we face the proposition that institutions like the narcotics treatment center and the youth facility are not going to be able to take care of an existing and expected population.

I talked to a guard at San Quentin on a recent prison tour. He said: "Why is it, Congressman, that you folks in government will not listen to our requests for more facilities and more staff until a holocaust like Attica occurs?"

I hope the House of Representatives will not be so unwise as to put the corrections institutions of the District of Columbia and their staffs into this kind of jeopardy with overcrowded inmate populations and an insufficient guard force.

Mr. Chairman, I ask for the support of my amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on November 11 of this year, the District of Columbia Committee brought out the revenue bill, and the bill has passed the House. The revenue bill has also passed the other body, and as I understand it, permission has been granted to go to conference.

As the distinguished gentleman from Illinois pointed out, he is a member of the Legislative Committee on the District of Columbia. In the revenue bill passed on November 11 by this House, a limitation on employees in the District of Columbia was set at 39,619. This committee has the right to set the number of employees. This committee brought

the bill to the floor, and it was passed. The bill we now have on the floor, the appropriation bill, contains funds for 39,619 employees, the exact number under the limitation in the bill passed by the committee of the distinguished gentleman from Illinois.

Now, Mr. Chairman, the gentleman from Illinois is seeking in his amendment to add 52 more employees. There will be 52 more employees added to the 39,619. It would violate the limitation in the bill passed by the House. Now the gentleman said he was not in favor of that limitation that is the amendment when adopted in his committee which fixed the number at 39,619. That is the number we have to comply with in this appropriation bill.

In addition to that, Mr. Chairman, the gentleman from Illinois is seeking to place into the bill \$1,602,300 for more halfway houses. Maybe more halfway houses are necessary. We did not have the money in the bill to take care of them.

The gentleman says we have reduced the Federal payment by \$8 million, and that is true, Mr. Chairman.

The Federal payment was reduced \$8 million, and it was reduced \$8 million for the reason that we have another classified pay increase that will come before the District officials and before this Congress within a matter of the next few weeks, which will require another \$6 million.

In addition to that, we will have a wage board increase which will approximate \$2 million. Add the \$6 million and the \$2 million together, and we have the \$8 million by which we reduced this bill.

We only reduced it \$8 million to have enough money to take care of the pay increases when they come along, and we stayed within the limitation of 39,619 employees.

I ask that the amendment be defeated.

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

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

Mr. MIKVA. Mr. Chairman, out of the 39,619 employees that are authorized in the bill, is the distinguished chairman suggesting there is not someplace else where the 52 employees could be cut other than the Department of Corrections?

Mr. NATCHER. No. I would not say it is a matter of reducing one department as against another. I would like to say this to the gentleman: As far as the Director of the Department of Corrections is concerned, Mr. Hardy, he has done a good job. Our committee as well as the committee of the gentleman has tried to go along with the Department of Corrections through the years. It is not a matter of saying we should cut 52 more in some other department. It goes further than that.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, is it not a fact that the Department of Corrections is one of the few departments, indeed as far as I can tell, almost the only department in the entire District government which is getting less money in this bill than it did even last year?



Mr. NATCHER. The gentleman is correct as far as the reduction is concerned. The District officials in their austerity moves, which they brought before the committee, made this proposal themselves.

Mr. MIKVA. To cut the budget?

Mr. NATCHER. In other words, under the moves and suggestions made by the officials, the amount of the reduction here in almost its entirety came out of the District Building.

Mr. MIKVA. As I read the hearings, when they left the subcommittee they said, "We do not know, even with all the money we have asked for, how we are going to take care of the increased inmate population already there." And the distinguished chairman agreed with them. I believe the final outcome was a suggestion that everybody ought to pray.

Mr. NATCHER. The Director and some of his people were disturbed about it, but they had not done a good selling job with the Commissioner, the Deputy Commissioner, and the city council.

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment.

I should like to speak very briefly to the limitation of 39,000 jobs. As a member of the committee I do know the gentleman from Illinois (Mr. MIKVA) is right. There was no intention on the part of the committee in setting limitation, to cut out jobs for the Department of Corrections.

The intention was to eliminate jobs which the District government reported to us go unfilled on a regular basis over a period of a year. There were 3,000 such jobs which they said they could expect, over the course of a year, to be vacant for a number of reasons. On that basis the limitation was struck.

I do not quite understand how the rise in the pay level of some of the jobs wiped out the 52 jobs to which the gentleman from Illinois (Mr. MIKVA) has referred.

I hope that the House will vote on the intent of the District Committee in limiting to the 39,000 jobs, and not eliminate the new jobs in the Department of Corrections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 91, noes 110.

So the amendment was rejected.

Mr. NATCHER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the Chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back

to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. NATCHER. Mr. Speaker, I demand a separate vote on the so-called Glaimo amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, line 13, strike "\$29,800,000" and insert "\$102,086,000".

And on line 16, after the word "To" insert the following: "the general fund, \$72,486,000, to".

On page 9, line 22, strike "\$228,842,000" and insert "\$301,328,000".

The SPEAKER. The question is on the amendment.

Mr. NATCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 174, answered "present" 2, not voting 59, as follows:

[Roll No. 428]

YEAS—195

Abourezk	Findley	McCloskey
Abzug	Fish	McCormack
Adams	Foley	McCulloch
Addabbo	Ford	McKinney
Anderson	William D.	Madden
Anderson, Ill.	Forsythe	Mailliard
Ashley	Fraser	Matsunaga
Aspin	Frelinghuysen	Mazzoli
Barrett	Frenzel	Meeds
Begich	Frey	Melcher
Bergland	Fuqua	Mikva
Betts	Gallagher	Miller, Calif.
Blester	Gaydos	Minish
Bingham	Glaimo	Mink
Boggs	Gibbons	Mitchell
Boland	Gonzalez	Mollohan
Bolling	Grasso	Monahan
Brademas	Green, Oreg.	Moorhead
Brasco	Green, Pa.	Morse
Brown, Mich.	Gude	Mosher
Broyhill, N.C.	Halpern	Moss
Broyhill, Va.	Hamilton	Murphy, N.Y.
Buchanan	Hanley	Nelsen
Byron	Hanna	Nix
Carey, N.Y.	Hansen, Idaho	Obey
Carney	Hansen, Wash.	O'Hara
Chisholm	Harrington	O'Neill
Clay	Harvey	Pelly
Cleveland	Hastings	Pepper
Collier	Hathaway	Pettis
Conable	Hawkins	Peyser
Conte	Heckler, W. Va.	Pike
Conyers	Heckler, Mass.	Podell
Cotter	Heinz	Price, Ill.
Coughlin	Helstoski	Pryor, Ark.
Culver	Hicks, Mass.	Quile
Daniels, N.J.	Hicks, Wash.	Rangel
Danielson	Hillis	Rees
Dellenback	Hogan	Reid, N.Y.
Dennis	Horton	Reuss
Diggs	Hosmer	Rhodes
Dingell	Hungate	Robison, N.Y.
Dow	Jacobs	Roncallo
Drinan	Karth	Rooney, Pa.
du Pont	Kastenmeier	Rosenthal
Dwyer	Keating	Roush
Eckhardt	Keith	Roy
Edwards, Calif.	Koch	Roybal
Erlenborn	Kyros	Ruppe
Esch	Leggett	Ryan
Eshleman	Link	St Germain
Evans, Colo.	Lloyd	Sarbanes
Fascell	Lujan	Saylor
	McClory	Scheuer

Schwengel  
Seiberling  
Shipley  
Shoup  
Smith, N.Y.  
Staggers  
Stanton,  
J. William  
Steele  
Steiger, Wis.  
Stokes  
Stratton  
Stuckey

Sullivan  
Symington  
Teague, Calif.  
Thompson, N.J.  
Tiernan  
Udall  
Ullman  
Van Deerlin  
Vanik  
Veysey  
Vigorito  
Waldie  
Whalen

Whalley  
Whitehurst  
Widnall  
Wiggins  
Wilson,  
Charles H.  
Wolff  
Wyman  
Yates  
Yatron  
Zablocki

NAYS—174

Annunzio	Grover	Pickle
Archer	Haley	Pirnie
Arends	Hall	Poff
Ashbrook	Harsha	Powell
Aspinall	Hays	Preyer, N.C.
Baring	Henderson	Price, Tex.
Bennett	Howard	Purcell
Bevill	Hull	Randall
Blackburn	Hunt	Rarick
Bow	Hutchinson	Riegle
Bray	Ichord	Robinson, Va.
Brinkley	Jarman	Roe
Brooks	Johnson, Calif.	Rogers
Broomfield	Johnson, Pa.	Rooney, N.Y.
Brotzman	Jonas	Ruth
Brown, Ohio	Jones, Ala.	Sandman
Burke, Fla.	Jones, N.C.	Satterfield
Burke, Mass.	Kazen	Scherle
Burleson, Tex.	Kee	Schmitz
Burlison, Mo.	Kemp	Schneebell
Byrnes, Wis.	King	Scott
Cabell	Kluczynski	Sebelius
Caffery	Kyl	Shriver
Camp	Landgrebe	Sisk
Carter	Latta	Skubitz
Casey, Tex.	Lennon	Slack
Cederberg	Long, La.	Smith, Calif.
Chamberlain	Long, Md.	Smith, Iowa
Chappell	McCollister	Snyder
Clancy	McDade	Spence
Clausen	McDonald,	Springer
Don H.	Mich.	Stanton,
Clawson, Del.	McEwen	James V.
Collins, Tex.	McFall	Steed
Colmer	McKay	Steiger, Ariz.
Corman	Macdonald,	Stephens
Crane	Mass.	Stubblefield
Daniel, Va.	Mahon	Talcott
Davis, Wis.	Mann	Taylor
de la Garza	Martin	Teague, Tex.
Delaney	Mathias, Calif.	Terry
Denholm	Mathis, Ga.	Thompson, Ga.
Devine	Mayne	Thomson, Wis.
Dickinson	Michel	Thone
Downing	Miller, Ohio	Vander Jagt
Dulski	Mills, Ark.	Wampler
Duncan	Mills, Md.	Ware
Edmondson	Minshall	White
Edwards, Ala.	Mizell	Whitten
Fisher	Montgomery	Williams
Flood	Morgan	Wilson, Bob
Flowers	Murphy, Ill.	Winn
Ford, Gerald R.	Myers	Wright
Fountain	Natcher	Wyatt
Gallifanakis	Nichols	Wylie
Gettys	O'Konski	Young, Fla.
Goodling	Passman	Young, Tex.
Gray	Patman	Zion
Griffin	Patten	
Gross	Perkins	

ANSWERED "PRESENT"—2

Blaggi Wydler

NOT VOTING—59

Abbitt	Dellums	Kuykendall
Abernethy	Dent	Landrum
Alexander	Derwinski	Lent
Anderson,	Donohue	McClure
Tenn.	Dorn	McKevitt
Andrews, Ala.	Dowdy	McMillan
Andrews,	Edwards, La.	Metcalfe
N. Dak.	Ellberg	Nedzi
Badillo	Evins, Tenn.	Poage
Baker	Flynt	Pucinski
Belcher	Fulton, Tenn.	Quillen
Bell	Garmatz	Rallsback
Blanton	Goldwater	Roberts
Blatnik	Griffiths	Rodino
Burton	Gubser	Rostenkowski
Byrne, Pa.	Hagan	Rousslot
Celler	Hammer-	Runnels
Clark	schmidt	Sikes
Collins, Ill.	Hebert	Waggonner
Davis, Ga.	Hollifield	Zwach
Davis, S.C.	Jones, Tenn.	

So the amendment was agreed to.  
The Clerk announced the following pairs:

On this vote:

Mr. Hollifield for, with Mr. Biaggi against.  
Mr. Rodino for, with Mr. Rousselot against.  
Mr. Ellberg for, with Mr. Clark against.  
Mr. Nedzi for, with Mr. Andrews of North Dakota against.  
Mr. Dent for, with Mr. Hébert against.  
Mr. Dellums for, with Mr. Evins of Tennessee against.  
Mr. Collins of Illinois for, with Mr. Jones of Tennessee against.  
Mr. Metcalfe for, with Mr. Blatnik against.  
Mr. Bell for, with Mr. Waggoner against.  
Mr. McKevitt for, with Mr. Davis of South Carolina against.  
Mr. Goldwater for, with Mr. Abernethy against.  
Mr. Celler for, with Mr. McMillan against.  
Mr. Byrne of Pennsylvania for, with Mr. Sikes against.  
Mr. Badillo for, with Mr. Garmatz against.  
Mrs. Griffiths for, with Mr. Roberts against.  
Mr. Donohue for, with Mr. Blanton against.

Until further notice:

Mr. Andrews of Alabama with Mr. Belcher.  
Mr. Abbitt with Mr. Derwinski.  
Mr. Burton with Mr. Kuykendall.  
Mr. Pucinski with Mr. Gubser.  
Mr. Rostenkowski with Mr. McClure.  
Mr. Fulton of Tennessee with Mr. Lent.  
Mr. Flynt with Mr. Hammerschmidt.  
Mr. Dorn with Mr. Baker.  
Mr. Alexander with Mr. Railsback.  
Mr. Anderson of Tennessee with Mr. Quillen.  
Mr. Davis of Georgia with Mr. Runnels.  
Mr. Hagan with Mr. Dowdy.

Mr. BIAGGI. Mr. Speaker, I have a live pair with the gentleman from California (Mr. HOLLIFIELD). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. STEIGER of Wisconsin. 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. A quorum has just been established.

So the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

#### FURTHER MESSAGE FROM THE SENATE

A further 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. 11651. An act 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; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11341) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUE, Mr. STEVENSON, Mr. MATHIAS, and Mr. WEICKER to be conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; and

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970.

#### PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10947, REVENUE ACT OF 1971, UNTIL MIDNIGHT SATURDAY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the managers have until midnight Saturday, December 4, to file a conference report to accompany the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

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

There was no objection.

#### CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 6, CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. STAGGERS submitted the following conference report and statement on the Senate concurrent resolution—Senate Concurrent Resolution 6—to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics:

CONFERENCE REPORT (H. REPT. No. 92-705)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, having met, after full and free conference, have agreed to recommend

and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics, and the clinical research center located at Lexington, Kentucky, should remain open and remain within the Public Health Service at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communities, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

SEC. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and the clinical research center of the Public Health Service should be considered an integral part of the national health care delivery system.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the preamble of the concurrent resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics, and the clinical research center are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it

And the House agree to the same.

HARLEY O. STAGGERS,  
PAUL G. ROGERS,  
DAVID E. SATTERFIELD,  
WILLIAM L. SPRINGER,  
ANCHER NELSEN,

Managers on the Part of the House.



EDWARD KENNEDY,  
HARRISON WILLIAMS,  
GAYLORD NELSON,  
THOMAS F. EAGLETON,  
ALAN CRANSTON,  
HAROLD E. HUGHES,  
CLAIBORNE PELL,  
WALTER F. MONDALE,  
PETER H. DOMINICK,  
JACOB K. JAVITS,  
DICK SCHWEIKER,  
BOB PACKWOOD,  
J. GLENN BEALL, JR.,  
ROBERT TAFT,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE  
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service Hospitals and outpatient clinics, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendments of the House struck out all after the resolving clause and substituted a new text, and the amendment to the preamble added new material conforming to the amendments made to the text.

The conference agreement amends the text of the House amendment, and the conference substitute amendment to the preamble makes the preamble reflect the revised text.

The Senate Concurrent Resolution expressed the sense of the Congress that all Public Health Service hospitals and outpatient clinics should remain open; that the administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities throughout fiscal year 1972, and that the Secretary of Health, Education, and Welfare and the Congress should explore the resources and capabilities of these facilities to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

The House amendment to the text was the same as the Senate version, except that the House amendment also provided that the clinical research centers located at Lexington, Kentucky, and Fort Worth, Texas should remain within the Public Health Service.

The conference substitute is the same as the House amendment, except that all references to the facility at Fort Worth, Texas, have been deleted in view of the transfer of that facility to the Bureau of Prisons which has already taken place.

The conferees are concerned that even after both Houses of Congress overwhelmingly passed resolutions directing that Public Health Service hospitals and outpatient clinics not be closed or transferred through fiscal year 1972 and that the Department of Health, Education, and Welfare explore utilization of those facilities to serve medically underserved areas, and appropriated moneys to continue their operation, the Department of Health, Education, and Welfare has continued to proceed with plans to phase out the hospitals and outpatient clinics of the Public Health Service and has made no effort to explore use of the facilities within the Public Health Service or under the Emergency Health Personnel Act of 1970.

The conference substitute amendment to the preamble makes technical corrections to reflect the deletion of references in the text to the Fort Worth facility.

HARLEY O. STAGGERS,  
PAUL G. ROGERS,  
DAVID SATTERFIELD,  
WILLIAM L. SPRINGER,  
ANCHER NELSEN,

*Managers on the Part of the House.*

EDWARD KENNEDY,  
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HAROLD E. HUGHES,  
CLAIBORNE PELL,  
WALTER F. MONDALE,  
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J. K. JAVITS,  
DICK SCHWEIKER,  
BOB PACKWOOD,  
J. GLENN BEALL, JR.,  
ROBERT TAFT, JR.,

*Managers on the Part of the Senate.*

SUPPLEMENTAL APPROPRIATIONS,  
1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 719 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 719

*Resolved*, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 719 provides for waiving certain points of order against H.R. 11955, the supplemental appropriations bill of 1972.

The resolution does not provide a blanket waiver. It does provide a waiver for failure to comply with the 3-day rule and points of order are waived for failure to comply with the provisions of clause 2, rule XXI, for lack of authorization and clause 5, rule XXI, which prohibits re-appropriations.

Mr. Speaker, I urge the adoption of the rule.

Mr. GROSS. Will the gentleman yield?

Mr. YOUNG of Texas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. So all points of order are waived on this bill?

Mr. YOUNG of Texas. No, sir. I advise the gentleman that all points of order are not waived, but points of order are waived as to the 3-day requirement, the provisions of clause 2 and clause 5 of rule XXI, and that is it. Those three.

Mr. GROSS. That just about covers the waterfront, does it not?

Mr. YOUNG of Texas. It covers those three different aspects.

Mr. GROSS. Yes; because some of these items are not authorized by law.

Mr. YOUNG of Texas. That is right.

Mr. GROSS. And points of order against those items would be waived, would they not?

Mr. YOUNG of Texas. That is right. Those that have not been authorized points of order are waived against.

Mr. GROSS. That just means the regular legislative process coming down to the wire of adjournment, as we are now, is just about meaningless.

Mr. YOUNG of Texas. It is expedited. That is it.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks of the distinguished gentleman from Texas.

I would like to be specific here. This rule does waive the 3-day rule. Clause 2 refers to legislation in an appropriation bill. We have had legislation in this bill every year. Clause 5 deals with re-appropriating existing appropriations. For the most part, the money that has not been authorized is not in this particular bill. There are five or six items. This bill is less than \$1 billion. When it comes back from the Senate it will be much larger. There are a few appropriations in here which involve things like Capitol grounds and some of those things, but the big ones have been left out.

Mr. GROSS. Will my friend from California yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I can tell you that a billion dollars, or awful close to it, is still money where I come from.

Mr. SMITH of California. That is right. It is still money anywhere.

Mr. GROSS. It may not amount to much in some other places, but this bill calls for the expenditure of approximately \$1 billion, and this is the old story all over again. We get regular appropriation bills before the House and we hear a great story of how much has been saved. Then we get a supplemental appropriation and out the window went all those great savings. So we have an appropriation of some \$1 billion here, and it is protected so that it is impossible to get to some of the items on points of order. You could not defeat it to save your soul in this House because almost nobody is interested in saving any money, in balancing the budget, or stopping inflation.

Mr. SMITH of California. I simply want to make myself clear to the effect that in this instance we are not including appropriations for most of the measures which have not been authorized. For instance, next week we may have foreign aid. I have not talked to the conferees. We had a request to waive all points of order on the items that are contained in this particular bill.

Mr. Speaker, I urge adoption of the rule.

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

Mr. SMITH of California. Yes, I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, and I would guess that this rule is another one of those "beauts" that we talked about a few days ago.

Mr. SMITH of California. Not quite as much so.

Mr. HALL. To the contrary, I think it is more of a "beaut," if that is the proper appellation. The resolution not only eliminates the rules of the House, to the contrary notwithstanding, but clause 245 of rule XXI in connection with page 8 of the bill and page 40 of the report. I wonder whether it was brought to the attention of the Committee on Rules whether House Resolution 533, providing additional funds for personnel in the office of the Speaker, was specifically explained to that committee; and whether or not anyone on the Committee on Rules recognized the fact that this is the same resolution that has been previously knocked out on a point of order by the gentleman from Missouri?

What I really want to know is this: Does the Committee on Rules realize and appreciate the fact that this was in the bill on page 8 and is subject to a point of order, but that a point of order was being waived and eliminated as one of the prerogatives and rights of a duly elected Member to raise?

Mr. SMITH of California. Yes, we had testimony on that particular item. We heard testimony to the effect that we should write this into permanent law. This increases the amount by \$50,000 a year. A resolution was passed earlier dealing with this subject and we are writing it into permanent law.

I will say to the gentleman from Missouri that we heard testimony on each and every one of these items. The gentleman from Texas (Mr. MAHON) went through the bill page by page.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, we can only take this as an overt act to pass into permanent law that which, according to the rules of the House and the rights of individual Members to make points of order, has been previously precluded.

Is that a correct assumption?

Mr. SMITH of California. I am not certain that that is absolutely correct because, as the gentleman knows, the gentleman can offer amendments to amend any of these things and to take them out of the bill. We are simply waiving points of order in these instances in order to get the bill before the House. However, we are not precluding the gentleman from taking any other action which he desires to take during the course of consideration of the bill. We are getting it before you so you can consider it.

Mr. HALL. That action, in the spirit of expediency, certainly precludes the rights of individual Members, according to the standing rules of the House. For that reason, I feel that this rule should be defeated out of hand.

I appreciate the gentleman yielding.

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

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. MAHON. The gentleman from Missouri has been discussing a provi-

sion of the bill which appears on page 8, beginning with line 4, which makes permanent law of certain resolutions previously agreed to by the House. The House adopted certain resolutions—they are enumerated on page 8 of the bill—which are now in force. Being simple House resolutions, they are not permanent legislation; they run only to the end of this present Congress. Some of us voted for the measures and some of us voted against them. However, these measures were passed by the House; they are in force; and this provision simply says—in effect—that while Members may differ as to their views, the House did approve all of these resolutions and, therefore, it is proposed that we make them permanent law so that it will not be necessary to redetermine these matters every 2 years. I should add that this sort of provision has been made for many, many years in appropriation bills with respect to various housekeeping matters of the House.

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

Mr. SMITH of California. Yes, I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding further, and having the statement of the distinguished chairman of the Appropriations Committee. There is no question about that. But the fact remains that these resolutions are not yet enacted into permanent law, and the fact remains that we are vamping them into law by this resolution which takes away the rights of a Member to object or to make a point of order against them. By definition it is legislating on an appropriation bill. It is a shoddy way to proceed and I think it is poor legislating. It is poor also from the standpoint of the Committee on Appropriations and it is poor from the standpoint of the Committee on Rules, and I recommend that the resolution be voted down.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred and eighty-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 29, not voting 93, as follows:

#### [Roll No. 429]

##### YEAS—308

Abourezk  
Abzug  
Adams  
Addabbo  
Anderson,  
Anderson,  
Annunzio  
Arendt

Ashley  
Aspin  
Aspinall  
Baring  
Barrett  
Begich  
Bennett  
Bergland  
Betts

Bevill  
Blaggi  
Blester  
Boggs  
Boland  
Bolling  
Bow  
Brademas  
Brinkley

Brooks  
Broomfield  
Brotzman  
Brown, Ohio  
Broyhill, Va.  
Burke, Mass.  
Burlison, Tex.  
Burlison, Mo.  
Byrnes, Wis.  
Byron  
Cabell  
Caffery  
Camp  
Carey, N.Y.  
Carney  
Carter  
Cederberg  
Chamberlain  
Chappell  
Chisholm  
Clancy  
Clausen,  
Don H.  
Clawson, Del.  
Cleveland  
Colmer  
Conable  
Conte  
Corman  
Coughlin  
Daniel, Va.  
Danielson  
Davis, Wis.  
de la Garza  
Delaney  
Dellenback  
Denholm  
Dickinson  
Dingell  
Dow  
Downing  
Drinan  
Dulski  
Duncan  
du Pont  
Eckhardt  
Edmondson  
Edwards, Ala.  
Edwards, Calif.  
Erlenborn  
Esch  
Eshleman  
Evans, Colo.  
Fascell  
Fish  
Fisher  
Flood  
Flowers  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Fountain  
Fraser  
Frelinghuysen  
Frenzel  
Frey  
Fuqua  
Galifianakis  
Gallagher  
Gaydos  
Gettys  
Gialmo  
Gibbons  
Gonzalez  
Goodling  
Gray  
Green, Ore.  
Green, Pa.  
Griffin  
Grover  
Gude  
Halpern  
Hamilton  
Hanley  
Hanna  
Hansen, Idaho  
Hansen, Wash.  
Harrington  
Harsha  
Harvey  
Hastings  
Hays  
Hechler, W. Va.  
Heckler, Mass.  
Heinz

Helstoski  
Henderson  
Hicks, Mass.  
Hicks, Wash.  
Hillis  
Hogan  
Horton  
Hosmer  
Howard  
Hungate  
Hutchinson  
Ichord  
Jacobs  
Jarman  
Johnson, Calif.  
Johnson, Pa.  
Jones, Ala.  
Jones, N.C.  
Kastenmeier  
Kazen  
Keating  
Kee  
Keith  
Kemp  
Kyl  
Kyros  
Latta  
Leggett  
Lennon  
Link  
Lloyd  
Long, La.  
Long, Md.  
Lujan  
McClary  
McCormack  
McCulloch  
McDade  
McDonald,  
Mich.  
McEwen  
McFall  
McKay  
McKinney  
Macdonald,  
Mass.  
Madden  
Mahon  
Mailliard  
Mann  
Martin  
Mathias, Calif.  
Mathis, Ga.  
Matunaga  
Mayne  
Mazzoli  
Meeds  
Melcher  
Michel  
Mikva  
Miller, Calif.  
Miller, Ohio  
Mills, Ark.  
Mills, Md.  
Minish  
Mink  
Minshall  
Mitchell  
Mollohan  
Monagan  
Moorhead  
Morgan  
Mosher  
Moss  
Murphy, Ill.  
Murphy, N.Y.  
Myers  
Natcher  
Nelsen  
Nichols  
Nix  
Obey  
O'Hara  
O'Konski  
O'Neill  
Passman  
Patman  
Patten  
Pelly  
Pepper  
Perkins  
Pettis  
Pickle  
Pike  
Pirnie  
Podell  
Powell

##### NAYS—29

Burke, Fla.  
Collier  
Collins, Tex.  
Crane

Preyer, N.C.  
Price, Ill.  
Purcell  
Quie  
Randall  
Rangel  
Rees  
Reid, N.Y.  
Reuss  
Rhodes  
Riegle  
Robinson, Va.  
Robison, N.Y.  
Roe  
Rogers  
Roncalio  
Rooney, N.Y.  
Rooney, Pa.  
Rosenthal  
Roush  
Roy  
Roybal  
Ruppe  
Ruth  
Ryan  
St Germain  
Sandman  
Satterfield  
Saylor  
Scherle  
Scheuer  
Schneebeli  
Schwengel  
Sebelius  
Seiberling  
Shipley  
Shoup  
Shriver  
Sisk  
Skubitz  
Smith, Calif.  
Smith, Iowa  
Smith, N.Y.  
Snyder  
Springer  
Staggers  
Stanton,  
J. William  
Stanton,  
James V.  
Steed  
Steele  
Steiger, Ariz.  
Stevens  
Stokes  
Stratton  
Stubblefield  
Stuckey  
Sullivan  
Symington  
Talcott  
Taylor  
Teague, Calif.  
Terry  
Thompson, Ga.  
Thomson, Wis.  
Tiernan  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Vigorito  
Waldie  
Ware  
Whalen  
Whalley  
White  
Whitten  
Widnall  
Wiggins  
Williams  
Wilson, Bob  
Wilson,  
Charles H.  
Winn  
Wolf  
Wyatt  
Wydler  
Wyman  
Yates  
Yatron  
Young, Tex.  
Zablocki  
Zion



Hall	McCollister	Steiger, Wis.
Hunt	Poff	Veysey
Jonas	Price, Tex.	Whitehurst
King	Rarick	Wylie
Landgrebe	Schmitz	Young, Fla.
McCloskey	Spence	

## NOT VOTING—93

Abbutt	Dellums	Landrum
Abernethy	Dent	Lent
Alexander	Derwinski	McClure
Anderson,	Diggs	McKevitt
Tenn.	Donohue	McMillan
Andrews, Ala.	Dorn	Metcalfe
N. Dak.	Dowdy	Mizell
Ashbrook	Dwyer	Montgomery
Badillo	Edwards, La.	Morse
Baker	Elberg	Nedzi
Belcher	Evins, Tenn.	Peyser
Bell	Findley	Poage
Bingham	Flynt	Pryor, Ark.
Blanton	Fulton, Tenn.	Pucinski
Blatnik	Garmatz	Quillen
Brasco	Goldwater	Rallsback
Brown, Mich.	Grasso	Roberts
Broyhill, N.C.	Griffiths	Rodino
Burton	Gubser	Rostenkowski
Byrne, Pa.	Hagan	Rousset
Casey, Tex.	Hammer-	Runnels
Celler	schmidt	Sarbanes
Clark	Hathaway	Scott
Clay	Hawkins	Sikes
Collins, Ill.	Hébert	Slack
Conyers	Hollifield	Teague, Tex.
Cotter	Hull	Thompson, N.J.
Culver	Jones, Tenn.	Thone
Daniels, N.J.	Karh	Waggoner
Davis, Ga.	Kluczynski	Wampler
Davis, S.C.	Koch	Wright
	Kuykendall	Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Andrews of North Dakota.  
 Mr. Hébert with Mr. Gubser.  
 Mr. Waggoner with Mr. Ashbrook.  
 Mr. Hollifield with Mr. Bell.  
 Mr. Blatnik with Mr. Brown of Michigan.  
 Mr. Daniels of New Jersey with Mr. Findley.  
 Mr. Dent with Mr. Hammerschmidt.  
 Mr. Evins of Tennessee with Mr. Kuykendall.  
 Mr. Garmatz with Mr. Belcher.  
 Mrs. Grasso with Mr. Goldwater.  
 Mr. Hull with Mr. McClure.  
 Mr. Karh with Mr. Zwach.  
 Mr. Kluczynski with Mr. McKevitt.  
 Mr. Abernethy with Mr. Broyhill of North Carolina.  
 Mr. Montgomery with Mr. Mizell.  
 Mr. Sikes with Mr. Baker.  
 Mr. Nedzi with Mr. Peyser.  
 Mr. Rodino with Mrs. Dwyer.  
 Mr. Rostenkowski with Mr. Lent.  
 Mr. Fulton of Tennessee with Mr. Quillen.  
 Mr. Roberts with Mr. Derwinski.  
 Mr. Slack with Mr. Rallsback.  
 Mr. Andrews of Alabama with Mr. Rousset.  
 Mr. Blanton with Mr. Scott.  
 Mr. Abbutt with Mr. Thone.  
 Mr. Anderson of Tennessee with Mr. Wampler.  
 Mr. Hathaway with Mr. Badillo.  
 Mr. Burton with Mr. Metcalfe.  
 Mr. Byrne of Pennsylvania with Mr. Conyers.  
 Mr. Clark with Mr. Collins of Illinois.  
 Mr. Culver with Mr. Clay.  
 Mr. Donohue with Mr. Morse.  
 Mr. Ellberg with Mr. Hawkins.  
 Mr. Flynt with Mr. Koch.  
 Mr. Hagan with Mr. Pryor of Arkansas.  
 Mr. Pucinski with Mr. Diggs.  
 Mr. Sarbanes with Mr. Dellums.  
 Mr. Dorn with Mr. Dowdy.  
 Mr. Alexander with Mr. Bingham.  
 Mr. Casey of Texas with Mr. Brasco.

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Mr. Davis of Georgia with Mr. Cotter.  
 Mr. Davis of South Carolina with Mrs. Griffiths.  
 Mr. Jones of Tennessee with Mr. Landrum.  
 Mr. Teague of Texas with Mr. McMillan.  
 Mr. Wright with Mr. Runnels.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11955, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Bow) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this supplemental appropriations bill consists of nine chapters, including the customary chapter providing for various claims and judgments, and the chapter including the general provision concerning the obligation of funds.

I think it would be in the interest of orderly procedure for us to dispense with extended general debate and read the bill for amendment under the 5-minute rule and let the House work its will in connection with the various items which are contained in the bill and which might be considered otherwise.

Mr. Chairman, this bill provides for a total appropriation in the sum of \$756 million; approximately three-quarters of a billion dollars.

Two-thirds of the money in this bill is for mandatory payments under existing law. It is inescapable that Congress will have to provide these funds. For example, under the Federal Coal Mine Health Safety Act of 1969, \$289 million is provided. Congress has passed the law,

and these funds are required. In this bill \$216 million is provided for the Postal Service. This has to do with the transition to the Postal Corporation, and there is no alternative we have other than to provide the funds.

Then there are numerous items in the bill for many agencies of the Government for many purposes and I would suggest, Mr. Chairman, that it seems appropriate that as the bill is read that the Committee of the Whole House can give consideration to any section of the bill that it may desire to consider.

I shall not take time to make an extensive statement at this time, but rather having received unanimous consent to do so, I will insert a summary table showing the funds that are provided under the several titles of the bill for the various agencies such as the Departments of Interior, Labor, and Health, Education, and Welfare, the legislative branch, the Departments of State, Commerce, Transportation, and Treasury and the Postal Service.

I shall also insert a summary narrative statement.

The material referred to is as follows:

## GRAND TOTAL OF THE BILL

The grand total of new budget (obligational) authority recommended in the bill is \$756,282,654, a reduction of \$13,058,500 from the \$769,341,154 requested in the estimates and considered by the Committee.

The Committee also recommends \$20,000,000 in appropriations to liquidate contract authority and \$5,846,100 in transfers. Neither of these sums involve increases in new budget (obligational) authority.

## BILL HIGHLIGHTS

Just over two thirds of the funds recommended in the bill are for payments that are mandatory under existing law. These include \$289,696,000 for benefit payments resulting from increased numbers of claims and appeals under the Federal Coal Mine Health and Safety Act of 1969; \$216,400,000 in connection with transition of the Postal Service as set forth in the Reorganization Act; and \$19,029,734 to pay claims and judgments rendered against the United States.

Funding for health and safety programs recommended in the bill include \$5,250,000 for safety inspections, technical support, investigations, and rescue work needed to meet requirements under the Federal Coal Mine Health and Safety Act, and \$9,572,000 (including \$1.9 million by transfer) for increased inspection and improvement of nursing home care.

The Committee also includes the following recommendations for employment and labor relations activities: \$41,700,000 to accelerate work on water resources projects for States having major labor areas with unemployment in excess of 8%, and a limitation increase of \$4,500,000 to provide job development and placement services for veterans in connection with the program established by Executive Order 11598.

## OUTLAY REDUCTION

The Committee estimates that its recommendations will have the effect of reducing budget outlays for 1972 by approximately \$12,500,000 from amounts estimated for the items considered in connection with the bill.

## TABULAR SUMMARY

The following table summarizes by chapter the revised budget requests and the amounts included in the bill:

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
I	Interior and related agencies:			
	New budget (obligational) authority	\$22,576,000	\$8,170,000	—\$14,406,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfers	(4,172,000)	(3,746,100)	(—425,900)
II	Labor and Health, Education, and Welfare:			
	New budget (obligational) authority	333,439,000	334,439,000	+1,000,000
	Transfer	(1,900,000)	(1,900,000)	
III	Legislative: New budget (obligational) authority	23,668,420	23,549,920	—118,500
IV	Public Works—AEC: New budget (obligational) authority	41,700,000	46,500,000	+4,800,000
V	State, Justice, Commerce, and Judiciary: New budget (obligational) authority	43,292,000	42,094,000	—1,198,000
VI	Transportation:			
	New budget (obligational) authority	58,044,000	55,544,000	—2,500,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfer		(200,000)	(+200,000)
VII	Treasury, Postal Service and General Government: New budget (obligational) authority	227,592,000	226,956,000	—636,000
VIII	Claims and judgments	19,029,734	19,029,734	
	Grand total:			
	New budget (obligational) authority	769,341,154	756,282,654	—13,058,500
	Appropriation to liquidate contract authority	(20,000,000)	(20,000,000)	
	Transfers	(6,072,000)	(5,846,100)	(—225,900)

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I certainly want to take this time to compliment the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), for in my judgment, an outstanding job on such a complex number of important problems that confront the country, and the Congress.

But, Mr. Chairman, my specific purpose here is to call the attention of the House to the fact that the school districts in at least 15 States, Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, Washington, and West Virginia, under title I of the Education Act will get less than they received last year. And one county in my congressional district is anticipating a loss of at least \$100,000. It has brought about such financial embarrassment that they are going to have to cut off, unless the money is added, some 24 special education teachers.

In making appropriations for title I on June 30 of this year it never was intended that any school district in the country would receive less. But I want to point out that the Secretary of Health, Education, and Welfare and the Office of Education have not given to me, and I have called upon them for a satisfactory explanation, but they have not given any as of this date.

Time is running out. We must act now to provide additional funds. I am advised that it will take approximately \$32,079,478 to insure that these States that I mentioned will receive as much money as they received last year, so that the school districts within these States can at least maintain last year's program levels.

My colleagues will recall that thanks to the prompt action of the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) and the chairman of the Education Appropriations Subcommittee, Mr. FLOOD of Pennsylvania, the Congress acted expeditiously in passing the appropriations bill

for the U.S. Office of Education for fiscal year 1972.

This bill, H.R. 7016, finally cleared both Houses of the Congress on June 30 and went to the White House. This action enabled the U.S. Office of Education to make prompt notification to all of the States on the allocations to local educational agencies for title I purposes.

Certainly this could have been done prior to the beginning of school in September when schools would need to begin using these funds.

The first inkling that I had that there were to be reductions was late in November when States had not even then received notice of their final allocations for the current academic year.

Mr. Chairman, at this point in the RECORD I would like to insert the list of the States which I am advised will receive reductions as a result of the U.S. Office of Education allocations and the amounts of those reductions over fiscal year 1971 allocations.

The table follows:

State	1971 allocation	1972 allocation	Decrease
Alabama	\$40,257,134	\$36,617,250	\$3,639,884
Arkansas	24,214,456	22,251,414	1,963,042
Georgia	39,947,788	36,197,932	3,749,856
Kentucky	37,131,906	33,755,352	3,376,554
Louisiana	34,683,312	32,268,324	2,414,988
Mississippi	42,074,152	38,105,822	3,968,330
Missouri	25,579,100	24,449,299	1,129,801
North Carolina	56,260,988	52,532,926	3,728,062
Oklahoma	18,199,914	17,338,006	861,908
South Carolina	34,313,121	34,256,587	56,533
South Dakota	6,266,048	6,002,025	264,023
Tennessee	36,288,395	33,172,359	3,116,036
Virginia	33,803,541	32,278,380	1,525,161
Washington	12,255,022	12,109,147	145,875
West Virginia	20,524,496	18,385,071	2,139,425
Total			32,079,478

Mr. Chairman, these States and the local educational agencies within them are extremely hard pressed financially to support education programs. If these cuts are allowed to remain, essential programs serving thousands of children will have to be drastically reduced.

Illustrative of the chaos that has been produced in the education community are the large number of communications that I have received from educators

throughout Kentucky which I insert in the RECORD at this point:

NOVEMBER 24, 1971.

Dr. S. P. MARLAND,  
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. MARLAND: It is with deep concern and a sense of frustration that I write to you concerning the news item that has indicated a reduction of the FY 1972 Part A Title I Grant for Kentucky (Courier-Journal, Louisville, Ky., Friday, Nov. 19).

We initiated our Title I project operations for the 1971-72 school year anticipating at least the same amount of funds which we had the previous year. Now after three full months of the school year has passed we read that there is to be a cut in the Title I funds. Teachers, aides and other staff who were hired to implement the Title I project were employed for the full school term. Once a teacher is given a contract he will have to be paid for the full school year. Any reduction in our allocation of Title I funds from the past year would mean no funds for the already employed Title I personnel for at least 2½ months. Since Wolfe County is a poverty county and since our school system operates on meager state funds, there is absolutely no way that these salaries could be added to the general school budget.

Needless to say we are extremely disturbed that your office would take such action, especially at this point in the school term when no advanced warning was given.

I strongly urge you to restore the funds for Kentucky's FY 1972 Title I Grant and to further work diligently to see that more funds are available through Title I. Our county could use to good advantage a 50% increase in Title I funds. It has proved to be the most effective means of reaching our educational disadvantaged and helping them to overcome their educational deprivation that plagues our area so intensely.

Most sincerely,

FRANK ROSE,  
Superintendent, Wolfe County Schools.

GREENUP, KY.,  
December 1, 1971.

Hon. CARL PERKINS,  
House of Representatives,  
Washington, D.C.:

Please add \$32 million to HR 11955. It is urgent that title I ESEA funds be restored. Greenup County schools will have to reduce staff and services during this school year unless funds are restored.

Sincerely,

CLIFFORD LOWENBACK,  
Superintendent.



FLEMINGSBURG, Ky.,  
December 1, 1971.

Congressman CARL PERKINS,  
U.S. House of Representatives,  
Washington, D.C.:

We wish you to urge Congress to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title I grants to the level of FY71 grants in the 15 states which recently received a reduction for FY 72.

MARTIN MARLAR,  
Federal Coordinator,  
Fleming County Schools.

CATLETTSBURG, Ky.,  
December 1, 1971.

HON. CARL PERKINS,  
U.S. House of Representatives,  
Washington, D.C.:

Please urge the amendment appropriation measure HR 11955 and add 32 million dollars needed to restore title I grants to FY 1971 for 15 states which recently received reduction.

NORA STALLARD,  
Catlettsburg Independent School District.

HAZARD, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
House of Representatives,  
Washington, D.C.:

Please urge all congressmen to amend appropriation measure HR 11955 and add the 32 million dollars to restore title I grant to the level of fiscal year 1971 for fifteen states which recently received reduction in title I grants for fiscal year 1972.

MORTON COMBS,  
Hindman, Ky.

PADUCAH, Ky.,  
December 1, 1971.

Representative PAUL PERKINS,  
House of Representatives,  
Washington, D.C.:

Urgently need your help amend H.R. 11955. Replace needed funds title one.

DAVID K. STEWART,  
Superintendent, McCracken County  
Public Schools.

HAZARD, Ky.,  
December 1, 1971.

Representative CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

Urge approval of appropriation for H.R. 11955 that would add 32 million dollars to restore title I grant to the level of FY 1971 for fifteen States which recently received a reduction in title I grants for FY 1972.

ROY G. EVERSOLE,  
Superintendent, Hazard City Schools.

OWINGSVILLE, Ky.,  
December 1, 1971.

CARL PERKINS,  
House of Representatives,  
Washington, D.C.:

There is a desperate need for amendment to appropriations measure H.R. 11955 add the thirty two million dollars needed to restore title I grants to the level of FY 1971 for the fifteen States which recently received a reduction in title I for FY 1972.

DARVIS ESTES,  
Superintendent, Bath County Schools.

WINCHESTER, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
Chairman, Committee on Health, Education,  
and Welfare, House Office Building,  
Washington, D.C.:

Request that H.R. bill 11955 be amended to add 32 million dollars needed to restore title I grant to the level of FY 1971 for 15 States

which recently received a reduction for title I FY 1972.

ERNEST R. WHITE,  
Superintendent, Clark County Schools.

JACKSON, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

It is urgent that House bill HR 11955 be amended to appropriate 32 million dollars to restore the level of last year's appropriation for the 15 states that received a reduction for the 1972 year.

ELIZABETH HERALD,  
Jackson City Schools.

JENKINS, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
House of Representatives,  
Washington, D.C.:

We urge you to support the amendment appropriation measure HR 11955 restoring title one grant to level MF FY 1971 any help will be appreciated.

HENRY E. WRIGHT,  
Superintendent, Jenkins Independent  
Schools.

HAZARD, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
House of Representatives,  
Washington, D.C.:

Please take every action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title I grant to the level of FY 71 for the 15 states which recently received a reduction of the title I grants for FY 72.

ALEX EVERSOLE,  
Superintendent, Perry County Board  
of Education.

LYNCH, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
Rayburn House Office Building, Washington,  
D.C.:

Please amend HR 11955 and restore title one grants to level of FY 71 for the fifteen states which received a reduction FY 72.

Dr. DONALD HAYES,  
Superintendent, Lynch Independent  
School.

WILLIAMSTOWN, Ky.,  
December 1, 1971.

Congressman CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

I urge you to vote to amend House Bill 11955 to add 32 million dollars to restore title one grant to fiscal year 1971 levels in 15 States that are affected.

WILLIAM L. MILLS,  
Superintendent, County Schools.

CAMPTON, Ky.,  
December 2, 1971.

Congressman CARL D. PERKINS,  
House of Representatives,  
Washington, D.C.:

We urge Congress to amend H.R. 11955 and add 32 million dollars needed to restore the title I grant to the level of FY 1971 for 15 States which recently received a reduction in title I grants for FY 1972.

FRANK ROSE,  
Superintendent, Wolfe County Schools,  
Campton.

LEXINGTON, Ky.,  
December 2, 1971.

Representative CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

I urge you to amend the appropriation measure H.R. 11955. We will lose approximately 70 thousand of title one funds with the cut back restore funding to FY 1971 level for the fifteen States that have received cut backs.

G. S. POTTS,  
Superintendent, Fayette County Schools.

VANCEBURG, Ky.,  
December 2, 1971.

Congressman CARL PERKINS,  
House of Representatives,  
Washington, D.C.:

Please take every action to amend appropriate measure H.R. 11955 and add 32 million dollars needed to restore title I grant to the level of fiscal year 1971 for 15 States which recently received reduction in title I grants for fiscal year 1972.

FOSTER SID MEADE,  
Superintendent, Lewis County Schools,  
Vanceburg, Ky.

MANCHESTER, Ky.,  
December 1, 1971.

HON. CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

Urge you to amend appropriations measure HR 11955 and add the 32 million to restore title one grant to level of FY 1971 for fifteen States which recently received title one grant for FY 1972. Clay County Board of Education.

MALLIE BLEDSOE,  
Superintendent, Clay County Schools.

Ashland, Ky.

HON. CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

We urge you to be for and use your influence to secure the amendment to appropriation measure HR 11955 and add the 32 million needed to restore title I grants to the level of FY 1971 for the States which recently received a reduction in title I grants for FY 1972.

EDWARD W. MATHIS,  
Superintendent, Ashland Public Schools.

Whitesburg, Ky.

HON. CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

Please take every possible action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title one grant to the level of FY 1971 for fifteen states which recently received a reduction in title one grant for FY 1972.

KENDALL V. BOGGS,  
Superintendent, Letcher County Schools.

Frankfort, Ky.

HON. CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

Strongly urge you to amend appropriation measure H.R. 11955 and add 32,000,000 dollars needed to restart title one grants to the level of FY 1971 for the 15 States which recently received a reduction in title one grants for FY 1972. Thank you.

WENDELL P. BUTLER,  
Superintendent of Public Instruction,  
Kentucky Department of Education.

BEATTYVILLE, Ky.,  
December 1, 1971.

CARL D. PERKINS,  
House Office Building,  
Washington, D.C.:

We are urging you to amend appropriation measure H.R. 11955 and add the 32 million needed to restore the title one grant to the level of fiscal year 1971 for fifteen States

which recently received a reduction in title one grant for fiscal year 1972.

SEDLEY STEWART,  
Superintendent, Lee County Schools.

RUSSELL, Ky.,  
December 1, 1971.

HON. CARL PERKINS,  
Washington, D.C.:

We urge you to amend the appropriation measure H.R. 11955. Add 32 million needed to restore Title 1 grant to level FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972. Thank you.

EUNICE HARPER,  
Raceland Worthington School, Raceland, Ky.

MAYSVILLE, Ky.,  
December 1, 1971.

Congressman CARL PERKINS,  
House Office Building,  
Washington, D.C.:

Please amend H.R. 11955 and add 32 million to restore Title 1 to FY 1971 level.

EARLE D. JONES,  
Superintendent Maysville Schools.

RUSSELL, Ky.,  
December 1, 1971.

HON. CARL PERKINS,  
House of Representatives,  
Washington, D.C.:

We urge your support in amending appropriations measure H.R. 11955 and add the 32 million dollars needed to restore Title 1 grant to the level of FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972.

LOGAN H. PERRY,  
Superintendent, Russell Independent  
School District.

Mr. Chairman, let me at this point again commend the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) for his concern over this matter, to the gentleman from Pennsylvania (Mr. FLOOD), and to my distinguished Kentucky colleague and member of the Appropriations Committee, Mr. NATCHER, who I am sure will work diligently to resolve this matter.

I have discussed personally the need for these additional funds with Senator ELLENDER, of Louisiana, and Senator MAGNUSON, of Washington, and I feel confident that the basis for agreement now exists so that the critical problem confronting these schools may now be resolved.

I commend the work of the committee on these important appropriation matters.

Mr. BOW. Mr. Chairman, I yield myself such time as I may use and will be glad to yield to anyone for the purpose of extending their remarks at this time.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Chairman, as the chairman indicated, this bill contains eight items which were considered by our Labor-HEW Subcommittee.

The first is \$4,500,000 to provide for the employment of 500 veterans of the Vietnam war to augment State employment service staffs in securing jobs for veterans. A central feature of the program established by Executive Order 11598 is the requirement that agencies, contractors, and subcontractors funded by the Federal Government list their job openings with the employment serv-

ice. Job openings are expected to increase by 4,400,000 above the 6,500,000 openings anticipated prior to issuance of the Executive order.

To maintain State staff, currently allocated to provide services to veterans, an additional \$2,100,000 is required for this fiscal year. An additional \$2,400,000 is requested to be distributed to areas where mandatory job listings and applications from returning Vietnam veterans cause the heaviest workload. This is the full amount requested by the Manpower Administration of the Department of Labor.

The second item is \$1,800,000 for salaries and expenses for the Bureau of Labor Statistics, to update and revise the Consumer Price Index. This would be in addition to \$4,310,000 already appropriated for fiscal year 1972 for this purpose. The Department told us that this amount is necessary "to take care of increased expenses anticipated by the Bureau of the Census which is conducting, for the Bureau of Labor Statistics, the massive and complicated consumer expenditure survey, the heart of the revision program."

The Consumer Price Index, of course, is our primary indicator of changes in prices, and the purpose of the revision is to update the index so that it reflects as accurately as possible the economy and the buying patterns of the seventies. I do not believe I need to emphasize the importance of this in our current economic situation.

We were advised by the Department that—

Costs for the consumer expenditure survey have risen beyond original expectations because of recent changes in survey plans that have been made in cooperation with OMB and the Bureau of the Census.

The new methodology would be to have the Bureau of the Census conduct a quarterly household survey of consumer expenditures beginning in January.

The third item is \$9,572,000 for an intensive effort by the Department of Health, Education, and Welfare to improve standards in nursing homes. On August 6 the President called for much greater Federal attention to the problems of nursing home residents, and outlined an eight point program designed to upgrade the quality of care received in nursing homes. This supplemental, we are told, will implement most of the President's plan.

While nursing home standards are set by the respective agencies in Washington—Social Security and SRA—the implementation of the standards, inspection and compliance issues are resolved by the States, and that is where the problems are.

A portion of this supplemental would establish three new university training programs for nursing home inspectors, and expand the three existing programs. Training courses would be set up for persons who work in nursing homes, and new State investigative units would be set up. Federal monitoring of State survey agencies would be increased. And, as stated in our committee report, we expect that special emphasis will be placed on improved fire inspection.

The fourth item is \$19,672,000 to continue the civil rights education program, as authorized by title IV of the Civil Rights Act of 1964 at last year's level of spending plus mandatory increases for personnel as again provided by law.

Fifth, we have provided \$289,696,000 for benefits under the Federal Coal Mine Health and Safety Act of 1969—the black lung program. Benefit payments under this legislation have been much higher than anticipated when the regular budget estimates for fiscal 1972 were prepared. And, despite the fact that the Social Security Administration has been denying about 52 percent of the claims, this program is going to continue to be an expensive one in the future.

Based on the present operation of the black lung program, the costs are estimated at \$548 million for this fiscal year, \$538 next year, \$515 million in 1974, \$491 million in 1975, \$468 million in 1976, and \$447 million in 1977. And this does not even take into account the additional expenditures which would be required if the recently passed House bill is enacted. In that case, we would have to add \$237 million to fiscal year 1972, \$275 million to 1973, \$276 million to 1974, \$302 million to 1975, \$273 million to 1976, and \$259 million additional to the 1977 figures.

In summary, Mr. Chairman, this could result in total expenditures for this program in fiscal year 1972 of \$785 million; in 1973 it would increase to \$813 million; in 1974, \$791 million; and then a slight decline each year far away until the year 2000 or beyond.

The sixth item is \$1,500,000 for loans under the District of Columbia Medical Facilities Construction Act of 1968. This, along with funds previously appropriated will make the full amount authorized by that act available to nonprofit private facilities in the District of Columbia.

Seventh, we have recommended \$13,209,000 for planning and construction of 13 Howard University construction projects previously approved. And, I must add that I am quite unhappy over the circumstances leading up to this request. This \$13 million was requested to replace funds that had been "borrowed" or reprogrammed from other projects in order to award the contract for construction of Howard's new teaching hospital.

Now, I have no quarrel with building the hospital, per se, despite the fact that out in Peoria we have started a new medical school without a "teaching" hospital. We are going to teach doctors in our existing community hospitals. But, two things about this particular appropriation are very disturbing.

In the regular appropriation bill for 1970, we appropriated \$22,200,000 for construction of this hospital, as Chairman FLOOD pointed out during our supplemental hearings. Then we had to appropriate another \$7.7 million because we were told that the first estimate was too low. Now, we are told that the hospital will cost some \$43 million.

And, on top of this apparent lack of ability to estimate accurately, our committee was notified in August that if we did not object within 3 days, this \$13



million would be reprogrammed to let the hospital contract. I think our committee report reflects my feelings on this very well, when it says:

In the future, the Committee will expect to be informed of proposed reprogramming actions in a more timely manner. Furthermore, the Committee believes that there should be a thorough review by HEW and the General Services Administration of the present procedures for developing cost estimates for construction projects and for assuring that architects and engineers design construction projects within the limits of the funds budgeted and appropriated for them. Funds for planning a new Howard University Teaching Hospital to replace the present Freedmen's Hospital were first appropriated more than ten years ago. There is no excuse for either the unconscionable delay in getting this badly needed facility under way, or for the unrealistic cost estimates which have been associated with it.

Finally, the last item under our jurisdiction is \$890,000 for the Cabinet Committee on Opportunities for Spanish-Speaking People. These funds were not included in our regular Labor-HEW appropriations bill because the legislative authority for the committee's activities expired on June 30 of this year, and the new authorization was not approved in time to put these funds in the bill.

Mr. SCHERLE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, if the distinguished gentleman from Illinois (Mr. MICHEL) would yield for a brief comment. It is my understanding that there are no funds in this bill for the Comprehensive Health Manpower Act which just became law. Of particular interest to me is the money which would allow additional construction of various schools such as medicine, dentistry, and veterinary medicine. It is my understanding that the act authorizes \$225 million for this fiscal year for all of these schools and that this administration has agreed to allow \$82 million in the budget. I also understand that the other body's Appropriations Committee is marking up a supplemental bill which will include some of these funds. When you gentlemen go to conference, I hope you will make it clear in your final report that a minimum of at least one school of veterinary medicine should be funded. Iowa State University at Ames, Iowa, is presently in the process of building a new school of veterinary medicine. They have received \$6.8 million for phase I construction, and if they could receive \$6 million from this appropriation by next spring, then they could combine these two phases and there would be a saving of around a million dollars on the project. The need for the highest quality instruction in veterinary medicine, and its benefits for both the consumer and producer of America's food products, should be obvious to all.

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

Mr. MICHEL. I appreciate the gentleman yielding.

Mr. Chairman, to make a very quick response to the gentleman's question, there was a supplemental request for some \$350 million that is in hand, but in view of the developments here and pending adjournment, I doubt very much whether we will be going through the

motions of a full dress hearing on the House side with the expectation that after the Senate acts we can arrive at a mutually satisfactory figure in conference.

I can assure the gentleman there is certainly going to be money in this bill to implement the health manpower act because there was provision for money in the original budget but not in exactly the same amount.

Mr. SCHERLE. I thank my colleague from Illinois and my colleague, the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I am in agreement with the distinguished chairman of our committee (Mr. MAHON). I think we can expedite the work of the evening if I yield no further.

Mr. ST GERMAIN. Mr. Chairman, in view of the needs in my district, I deeply regret that the committee bill does not contain school construction funds under Public Law 81-815—legislation passed by the Congress to aid federally impacted areas. When the Committee in its deliberations on Tuesday did not adopt an amendment to add \$200 million under the 815 program I was greatly disappointed. Hopefully the Senate will act and approve \$200 million for this purpose in their version of the bill. When that happens I earnestly hope and pray that the House conferees will recognize the imperative need for this funding and agree to the Senate's decision.

To illustrate the situation which faces many school districts throughout the country, I want to describe the problem which confronts Middletown, R.I.—a school problem which has been thrust upon Middletown by the Federal Government through the presence of a large naval facility.

The Middletown Public School District is impacted by more than 3,000 children of military personnel. This constitutes 62 percent of the total school population. As a result of new family housing for military personnel, the number of school children in the area has now exceeded the capacity of the schools.

During the school year 1970-71, Navy families moving into new housing built near the base added 450 additional children to the rolls of the public schools. This year another 300 children were expected as a result of another new housing development. Construction continues and another project is expected to be occupied by September of 1972. Since authorities at the Newport Naval Base indicate a continuing shortage of housing to the extent of 1,500 to 2,000 family units, the number of school-aged children of Navy families in the Middletown School District will continue to grow as more housing is built.

As of November 1 of this year there were 315 more students enrolled than the schools have capacity for. Due to the continuing construction of new housing, it is now estimated that by September 1972 there will be at least 700 "unhoused" children.

The Middletown School Committee several years ago foresaw the increase in enrollment and, in November of 1968, applied for school construction funds under Public Law 815. HEW processed the

application and established an entitlement of \$1,100,000. Since that time Middletown has not received one cent of school construction funds from HEW in spite of the tireless efforts of its school superintendent, Joseph Gaudet. The administration simply does not request sufficient funds for this program.

Are the children of Navy personnel to be turned away at the door? It seems to me that the Federal Government has a clear and undeniable responsibility to see to it that there is adequate classroom space for these children. Are they to be relegated to whatever temporary and makeshift quarters that can be found with a roof over it? I do not think that these children of our Navy men should be treated like second-class citizens. They deserve as good a school as any one else.

The situation I have described is not unique to Middletown. It is happening in many other communities in many other States. Why should the permanent residents of communities like Middletown be expected to build schools for the children of U.S. military personnel? Local taxes would have to be raised. The cities and towns simply cannot afford that. Nor would it be fair. That was recognized when Congress passed Public Law 81-815. But it must not be recognized only in principle; it must be recognized in fact. Money must be appropriated.

By including \$200 million in this appropriation bill the Senate could save the day, and the House would then have the chance to ratify that action and be responsive to this situation.

Let me conclude by citing the text of a resolution passed by the Middletown School Committee on August 12, 1971. I think it deserves the attention of the Members of this body:

RESOLUTION ADOPTED BY THE SCHOOL COMMITTEE, AUGUST 12, 1971

The School Committee views with increasing alarm the present shortage of classrooms for the school population in this district that continues to grow at the rate of 10 to 12 percent annually. At least 90% of the growth factor is attributable to the influx in this community of Navy families who are availing themselves of new housing being built in the immediate area of this Naval military base. During the school year 1970-71, 300 family units were newly built and occupied by Navy families from which came 450 school-aged children. All of these children were enrolled in the Middletown Public Schools, including a leased building on the Newport Naval Base. During the 1971-72 school year we anticipate at least 300 more children from another housing development which will be completed and occupied by Christmas. During 1972-73, 210 more children are anticipated from a 140-family-unit addition presently under construction. None of these statistics include a normal Town-wide growth of from 100 to 150 children per year.

This Committee, anticipating the new government housing construction for the military personnel and their families at this military base—the Newport Naval Base, filed an application for school construction funds under the provisions of Public Law 815 in November of 1968. The application was processed in Washington by the Department of Health, Education, and Welfare in June of 1969 and an entitlement of \$1,100,000 was established. Repeated inquiries ad-

dressed to the Secretary of Health, Education, and Welfare and to the U.S. Commissioner of Education have been fruitless. We have been told that there are (were) "insufficient funds", funding of Public Law 815 is (was) a "low priority" compared to other national needs and most recently that "shared revenues to the States" represents our best hope for the solution of this problem. Our continuing contacts with the Rhode Island Congressional delegation lead us to the belief that administration policy places a low priority on "impacted areas" aid and that the needed funds to implement the authorizing legislation of Public Law 815 are not being requested of the Congress. Thus, and for whatever reasons, we face a serious classroom shortage which under existing conditions will precipitate a situation where this committee will be forced to declare the inability of the town of Middletown to accommodate 500 to 1,000 children in classrooms by the school year 1972-73. In view of the fact that more than 90% of these unhoused children would be those of military personnel we deplore the possibility of such a crisis and plead for the immediate attention of the Department of Health, Education, and Welfare.

The school committee for the town of Middletown, solicitous for the educational welfare of all the children in this district, asks for the immediate release of federally-entitled funds under Public Law 815 or under any other appropriate vehicle so that a school may be built for the children of military personnel assigned and located at this military base—the Newport naval base.

Mr. PICKLE. Mr. Chairman, I rise in support of Mr. ROONEY's amendment.

Unless the Congress takes additional affirmative action, the special public works impact program will not be fleshed out with enough working muscle. EDA has a congressional mandate to spend from 25 to 35 percent of their funds in this program—but, unless more funds are forthcoming, EDA has little choice but to go with the low figure and earmark only 25 percent of their available funds. The amount proposed under the amendment will not provide for full funding, but it will help a lot. Let me point out two major benefits which are significant and immediate:

We are told that some \$60 million in requests are now pending in Washington for these funds—but that is only the tip of the iceberg. Out at the regional level, there is approximately five or six times this amount. Obviously, we cannot fund each and every project, but we can do a better job of filling the needs of our communities across the Nation.

The popularity of this program is obvious—but I think it is important that we examine the reasons why it is so popular. First, it will enable many smaller communities to engage in long-needed public works projects which they could not otherwise afford to go alone on.

But, the most significant aspect of the public works impact program is not something that can be measured in yards of concrete poured, miles of streets paved, or numbers of community houses built.

Perhaps the single most significant fact of this program is the fact that it creates jobs. Jobs for low-skilled or unskilled workers. Jobs that will not add to the inflationary spiral—jobs that will have the effect of taking people off welfare and giving them the chance to work—and we know that many do want

to work if only we can provide them with honest work.

Time is a key element in this program. Jobs will be created immediately. Plus, no project will be approved which cannot be completed within 12 months. We have the bonus feature in the regulations which clearly spells out that the work force must come from the project areas.

Obviously, Mr. Chairman, we have the rare opportunity to do something for the neglected parts of town—and for the neglected people. In Austin, Tex., alone, we are seeking funds for a parks and recreation program which will provide approximately 100 jobs. Think of the impact of 100 jobs.

I urge my colleagues to join in support of this amendment.

Mr. O'NEILL. Mr. Chairman, I rise at this time in strong support of the committee amendment to include the provision for construction on the Charles River project in Massachusetts, because of the critical unemployment situation in New England.

As my colleagues know, this project, which was authorized under the 1968 Flood Control Act, is in my district. To complete preconstruction planning, the project was funded \$225,000 in the fiscal year 1972 public works appropriation. This preconstruction project will be completed early in 1972.

I have interceded on behalf of the Charles River project for the commencement of the construction in early 1972. If there are no funds for construction to get this project underway, there will be no construction on the project until sometime in 1973. That means that the Boston-Cambridge area will have to wait a year before the construction of the dam will begin. The project will lie idle after the planning is completed. A year from now labor costs will have risen and costs of materials for construction will have increased. The project will then cost more than the original estimate of \$31.8 million.

The Boston-Cambridge area is a highly developed urban and industrial part of Boston and its suburbs, an area which has a high rate of unemployment. This area now has the highest unemployment of the construction industry in that area in its history. If this project does not get underway this spring, the economy of the area will be severely crippled. With the supplemental appropriation of \$400,000 to begin construction of the dam as soon as the planning is completed, the Boston-Cambridge area will be alleviated of some of its unemployment problems. The construction of the dam will boost the economy of the area.

I have spoken with people in the construction industry, both management and labor. They are unanimous in their appeal that the construction of the dam be moved along at a rapid pace to help relieve the unemployment problem. A public works project, in which preconstruction planning has been completed at an early stage, and which construction can be started as soon as the planning has been completed, should be considered in the supplemental appropriations. Any delay in the construction of the Charles River Dam, especially a delay

of 9 months, would be extremely detrimental to the economy of the area. I am especially grateful to the committee for including provisions in its supplemental for this project.

Mr. RANDALL. Mr. Chairman, I shall support H.R. 11955. However, in reading the report during general debate of this supplemental appropriations bill, at page 26, I noted there were some additional funds allocated to certain water resources projects under construction in States having major labor areas of unemployment in excess of 8 percent. Now, I am not certain of the latest figures on unemployment in the Fourth Missouri District, but I believe there may be portions of the district in which unemployment equals 8 percent.

It was my understanding there would be a supplemental item included in H.R. 11955 for the Truman Dam and Reservoir, formerly known as the Kaysinger project in our district. We understood that the Bureau of the Budget had agreed to supplemental increments of \$7,600,000. Of course, I was distressed to note this item had not been included in the bill or report.

Notwithstanding, during the course of debate I have ascertained that this increment for the Truman-Kaysinger project arrived from the Budget Bureau too late to be included in the supplemental list. Under the policy adopted by an appropriations committee there had to be established a cutoff date. Our committee requested any further supplementals be sent to the other body to be included on that side of the Congress and to be considered by the House in a conference report.

Now, Mr. Chairman, at this late hour, at approximately 9 p.m., rather than offer an amendment and risk possible rejection, because of the temper of the House I have good information, that this figure submitted by the Bureau of the Budget has been included in the Senate supplemental. I have just learned that the appropriate Senate committee has this very night included our item in the Senate supplemental bill.

Because of these reliable assurances that this item came to the House committee too late to be included in its bill and, rather than risk an adverse decision at such a late hour, I shall take the course of continued conversations with the House conferees to be sure that the \$7.6 million item is accepted in conference. As matters stand our side of the Congress may seem to have closed its ears to some 30 supplementals all involving necessary water resources projects. But what would seem to be true is not in accordance with the facts. The true facts are that our committee on the House side adopted a fixed and firm cutoff date and there was no way to reverse itself in the closing days of this session. Now the other body may receive the commendation for the addition of these funds. For my part it is too late to worry about who gets the credit, as long as the funds are included in the final conference report which are desperately needed not simply to accelerate work on the Truman-Kaysinger project but to prevent or avoid an order to suspend construction of work in the



late spring because of depleted appropriations.

Mr. VANIK. Mr. Chairman, in the last 2 weeks I have begun to receive complaints about inadequate funding of section 13 of the School Lunch Act—a section of the law which provides feeding assistance to low-income children in day care centers, Headstart centers, summer camps, and so forth.

For example, the level of compensation per child, per day, has been cut in the District of Columbia from 30 cents for lunch to 15 cents in an effort to stretch the District's allotment throughout the entire school year.

In my State of Ohio, we have been allotted \$630,000 by the Department of Agriculture, but our documented need is double that—\$1.26 million. A large number of other States have similar deficiencies.

The program is important because, in many, many cases, the meals which the children receive under this program is the only real nutrition they get in any one day.

Is it possible that money for the States which are short of funds for this program can be obtained by some reallocations from States which may not be using their moneys?

Mr. MAHON. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### CHAPTER I

#### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$160,000.

Mr. MAHON. Mr. Chairman, I move to strike out the last word and yield to the gentlewoman from Washington (Mrs. HANSEN) to respond to a question which I understand has arisen.

Mrs. HANSEN of Washington. I thank the distinguished chairman.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. I thank the Chairman.

I just want a point of clarification. On forest roads and trails running to \$10 million on line 16—is any of that money intended to be used for building forest roads and trails in the Black Hills National Forest in South Dakota?

Mrs. HANSEN of Washington. If I may respond to the distinguished gentleman from South Dakota—this is simply for the liquidation of obligations for work already in progress. Authority for construction of new roads is contained in the Federal-Aid Highway Act.

Mr. MAHON. Mr. Chairman, I yield further to the gentleman from South Dakota.

Mr. ABOUREZK. On page 13 of the bill, line 10 through line 12—is the same thing true there?

Mrs. HANSEN of Washington. Perhaps the gentleman from Massachusetts, who is on the Transportation Subcommittee, could comment on that.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr.

BOLAND), a member of the subcommittee who is present.

Mr. BOLAND. The response is exactly the same. This is for the liquidation of contract authority.

Mr. ABOUREZK. I thank the gentleman.

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

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

Mr. HALL. I appreciate the gentleman's yielding. I wonder if he would care under the 5-minute rule, since there is little time available and since we are trying to expedite consideration of this bill, to explain lines 4 through 16 on page 8, the "administrative provisions," and I particularly refer to making into permanent law House Resolution 533, which we discussed during consideration of the rule.

Mr. MAHON. House Resolution 533 provided additional funds for personnel in the Office of the Speaker. It went into effect last July 1. I know from first-hand knowledge that the Speaker does need this additional professional help to discharge his responsibilities. He has needed it for some time.

Mr. HALL. Of course, this is a question, if the gentleman will yield further, that has been frequently discussed on the floor of the House. It has been deleted based upon a point of order. It has been voted down after explanation. But in view of the four offices and all the personnel and the additional emoluments we have given the Speaker at the beginning of this Congress, I wonder if there is some explanation available that the Members could have as to why it suddenly becomes necessary to make a permanent law in this manner on an appropriation bill.

Mr. MAHON. If I may say to my colleague from Missouri, these people are now available to the Speaker. This is under the resolution which has been previously adopted. The bill now under consideration would initiate no new expenses for the Speaker. It would permit the Speaker to continue current practice under an existing resolution of the House into fiscal year 1973 and succeeding years. The object, of course, of this provision is to authorize the current practice in permanent law.

Mr. HALL. The gentleman does not mean to imply that House Resolution 533 is already law; does he?

Mr. MAHON. It is not of course law, but it is in force. The resolution was adopted by the House, of course.

Mr. HALL. But it has not been signed into permanent law.

Mr. MAHON. No; it is a simple resolution, as are most of the resolutions reported out of the Committee on House Administration with respect to housekeeping responsibilities of the House.

Mr. HALL. There is no manner or means by which the chairman of the Committee on Appropriations can fulfill the requirements of existing law, Public Law 918, I believe, of the 92d Congress, to show the need for this personnel, how much it will cost per annum, and whether or not there are any increases in existing personnel involved?

Mr. MAHON. The funds provided were

limited to \$50,000. I will read House Resolution 533 which was adopted on July 22, 1971:

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

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. MAHON. The resolution is as follows:

*Resolved*, That until otherwise provided by law, effective as of July 1, 1971, in addition to all other amounts provided by other provisions of law, there shall be paid out of the contingent fund of the House for compensation of the officers and employees of the Office of the Speaker of the House the sum of \$50,000.

The provision in the bill now under consideration, to which the gentleman has referred, merely continues the present setup for the Speaker's office.

Mr. HALL. Does it in anywise include increases for any of the many employees of the Speaker?

Mr. MAHON. It is a lump-sum arrangement. He could hire five people at \$10,000 or two at \$25,000. The Speaker has wide latitude as to the precise utilization of personnel funds for his office.

Mr. HALL. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I would like to commend the committee, and particularly the subcommittee headed by the gentlewoman from Washington, for the increase of 350 positions for mine safety inspection, plus the 25 positions added for the assessment of civil penalties.

I am particularly pleased that the Bureau of Mines has finally asked Congress for money and personnel to make assessments for violation of the Federal Coal Mine Health and Safety Act.

It is disturbing, however, to learn that for nearly a year and a half the Bureau of Mines has failed to make this request. The need for personnel and money for assessments should have been obvious to the Bureau early in 1970. But as usual the Bureau has been very slow to respond to the needs of health and safety. Even if the Bureau did not realize that they needed personnel and money for assessments early in 1970, they should have known this in November 1970, when the lawsuit which had held up the making of assessments was settled. Three months later in January 1971, the Bureau published its revised regulations for assessments and began its program of reducing the huge backlog of violations for which assessments had never been made. But at this time, no attempt was made by the Bureau to include in the administration's fiscal year 1972 budget request money for this important program. Instead, the Bureau was willing to rock along with only three people assigned the job of assessing and collecting civil penalties.

This failure of the Bureau to properly staff its assessment office has helped to defeat the very purpose of the civil penalties provision of the 1969 law which is

to encourage compliance with the law and to protect the safety of coal miners. Quite obviously, if the assessments are made in a timely fashion and collections are pursued, it would become uneconomic for coal operators to disregard the health and safety needs of coal miners. But the Bureau's persistence in failing to adequately staff its assessment office gave the operators an opportunity to flout the law.

Even now, I note from the hearings before the Committee that the Director of the Bureau of Mines is uncertain as to whether or not people and dollars included in this bill will be sufficient to handle the assessments. Moreover, he tells us that five of these new people will be roaming around the country to placate the coal operators who have received assessment orders rather than being here in Washington where they could serve a useful purpose in making the assessments initially. He also notes that some of these assessment people will be holding hearings. This appears to be inconsistent with the Interior Department's own regulations. Those regulations provide that hearing will be made by the Department's Office of Hearings and Appeals, and not by assessment officers of the Bureau of Mines.

I fervently hope that the Bureau of Mines will step up its assessment program and make it known to the coal operators of this Nation that if they do not abide by the health and safety requirements for coal miners, they will be assessing civil penalties that will hurt their pocketbooks.

Mr. Chairman, I include with my remarks a letter which I wrote to the Director of the Bureau of Mines on September 23, 1971, and the Director's response dated October 14, 1971:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 23, 1971.

DR. ELBURN F. OSBORN,  
Director, Bureau of Mines,  
Department of the Interior,  
Washington, D.C.

DEAR DR. OSBORN: I have become increasingly disturbed by the lack of progress of your Bureau in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969. Congress intended that these penalties would encourage coal mine operators to be more health and safety oriented in the production of coal with the end result that the coal miner would be safer and healthier. But if the Bureau continues its lackadaisical pace in assessing and collecting penalties, the coal operators will have little incentive to institute and enforce health and safety in the mines.

I understand that the Bureau has assessed over \$6.4 million in penalties but still has a huge backlog of violations for which assessments are warranted. Moreover, I also understand that less than \$900,000 of this total assessment has been collected.

One very significant reason for this lack of progress is that the Bureau has failed to hire sufficient personnel to do this job. I understand that only three people have been assigned by the Bureau regularly to this task of assessing and collecting civil penalties and that it was officially stated that at least 15 people are needed.

I cannot understand how the law can be enforced if these conditions persist. I would appreciate hearing from you soon as to what

steps the Bureau will take to hire the necessary people for this task.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF MINES,  
Washington, D.C., October 14, 1971.

Hon. KEN HECHLER,  
House of Representatives,  
Washington, D.C.

DEAR MR. HECHLER: This is in response to your letter of September 23, 1971, regarding the Bureau's activities in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969.

The Bureau's Assessments Office, since January 16, 1971, has processed over 62,000 violations that were incurred by coal mine operators and miners. The proposed penalty value for the assessed violations is \$6.5 million. However, many of these violations were amended in accordance with the provisions of Title 30, part 100 of the Federal Regulations as published in the Federal Register of January 16, 1971. The applicable part of the regulation allows a violator to protest the Proposed Order of Assessment and present any facts, explanations, and arguments to show extenuating circumstances or error in the penalty levied. This amending process has resulted in a reduction of assessed penalties to \$5 million. Violators have paid \$1 million, which leaves a balance of \$4 million to be collected. The Bureau is actively pursuing collection of the \$4 million outstanding, but most do so within the requirements and time constraints set forth in the Act, Regulations, and the Federal Claims Collection Act of 1966. It is the policy of the Bureau to pursue every legal means to collect penalties that have been lawfully assessed for violations of the Act.

The Bureau has submitted to Congress a supplemental request for fiscal year 1972 that, among other things, will provide funds for the hiring of 19 additional people for the Assessments Office. These personnel will be hired as soon as funds become available.

We are totally committed to carrying out the provisions of the Act to insure the Nation's coal mines become a healthier and safer place to work. We are pleased you share our interest.

Sincerely yours,

ELBURN F. OSBORN,  
Director.

This is an area which the Bureau of Mines has been neglectful of in the past. I trust that these additional positions will enable the Bureau of Mines to protect the safety of those who work underground.

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

Mr. MAHON. I yield to the gentleman from Iowa.

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

I note on page 14 of the report the serious doubts or reservations the committee had with respect to Howard University and certain construction at Howard University. Yet apparently the committee went right ahead and gave them \$13 million despite all the doubts and reservations the committee had.

Mr. MAHON. Mr. Chairman, on this I will yield to the gentleman from Iowa who is on the subcommittee that handled the matter and knows the details.

Mr. SMITH of Iowa. Mr. Chairman, there were mixed feelings on the committee about this. They are building a new Howard University teaching hos-

pital which costs \$67 a square foot. I thought that was terribly high, but now I understand the new Walter Reed building will be \$99 a square foot. But anyway, they put it up for bid and last May they got the bids in, and they were \$11 million over the amount of money that had been appropriated for that purpose. They held the bids and did not award them, and then in August, just before we went into recess, they decided they would negotiate with the contractor they had refused to accept the bid from, and they gave him more than he bid last May. Then in order to get this \$13 million they took it out of other moneys, earmarked for other projects. They say they can do that, because they can send us a memo saying they will do that, and if within 10 days we do not object, it is all right.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

But that did not give the gentleman any opportunity or little opportunity, according to this report, to find out very much about this project, and still the committee went ahead and gave them more than \$13 million.

Mr. SMITH of Iowa. If the gentleman will yield, as I was about to say, we had 3 days notice before they reprogrammed these funds, but we are not going to let them do that in the future. From now on, if they want to reprogram funds, they are to come and get permission to do it, and in time so that we will have an opportunity to give the proposal adequate consideration. We are not at all happy about this situation, but the majority of the committee felt we should approve this appropriation, despite the fact that we were not happy.

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

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

Mr. MICHEL. Mr. Chairman, I want to underscore what the gentleman from Iowa said. They were under some misapprehension that because they sent a memo to us, telling us what they were doing, a memo that most of us did not see, that they could then go ahead.

We want to make it perfectly clear here that when they want to reprogram money in the future, we are not going to stand for it unless we get a really valid request, and they get some kind of approval from us.

I was shocked to hear about it. I did not like it. Frankly, if it were not for the tragic situation we have in the District of Columbia at the present time, I would not be voting for it, but in view of the need for new facilities at Freedmen's Hospital, I went along with the supplemental appropriation. But we will not have any repetition of this reprogramming of funds without our knowing about it.

Mr. GROSS. I thank the gentleman. I hope this record made on the floor of the House will be helpful, but in the past it has not stopped very much of this sort of thing.

Mr. MICHEL. I can assure the gentleman on this particular item that the gentleman from Iowa on our subcommittee has been very meticulous and studious about it, and the gentleman



from Illinois together with the gentleman from Iowa in combination are going to make sure that it does not happen again.

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

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

Mr. MAHON. Of course, the escalation from fiscal year 1970 to this time has gone up from \$22 to \$43 million. The gentleman has heard the explanations which have been made.

The appalling degree of inflation which we have had also has contributed to this situation.

So long as the Government continues to spend vast sums in addition to what we have in hand or in sight we are going to be confronted with these escalations. It is not a case of being misled, as is the case with respect to this hospital, but there are going to be sharp escalations in prices so long as galloping inflation continues.

The deficit in Federal funds last year was about \$30 billion and with a prospective deficit of \$35 billion or \$40 billion this year, it is just inevitable we are going to find ourselves with these kinds of sharply increasing costs. At a time like this, if we reduce revenues further through tax bills and otherwise and fail to stimulate the economy sufficiently to generate new revenues to make up the difference, this whole situation is going to get worse and worse.

Mr. GROSS. Well, misleading people on the part of officials of the District of Columbia seems to be a common practice.

The House just concluded consideration of a bill providing more millions for a subway in the District. Congress was told when it authorized this subway that it would be paid for out of the fare boxes. Now we see lurking in the background a bill that will be called up soon because there is not any other way they can finance this monstrosity except to get the Federal Government to guarantee the bonds. They cannot be sold without a guarantee, and the Federal Government, using the taxpayers across the country, will pick it up.

That is a common practice in the District of Columbia, to mislead the Congress. It is high time that some committee of the Congress took this situation in hand and did something about it.

I notice in this bill there is \$1.8 million for the Bicentennial Commission. That is \$1.8 million not authorized by law which the committee stuck in to accommodate somebody.

There is also \$175,000 to establish the office of the Assistant Secretary for Indians and Territories, unauthorized by law.

I do not know how much more unauthorized money there is in this bill. I would hope that the Appropriations Committee would tighten up, and at least wait until authorizations have been passed by the proper legislative committees.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on pages 6 and 7 of the report of the House Approp-

riations Committee on the fiscal year 1972 supplemental appropriations bill, the committee has shocked myself, the coal industry, the gas industry, the energy industry, the American consumer, and the administration's goal of averting a national energy crisis.

Without adequate reason, the committee has deleted \$10,280,000 from the budget of the Office of Coal Research which had been designated to promote coal gasification research.

For months we have heard warnings by industry, Government, and environmental experts about our growing fuel shortages. We have heard the cries of anguish because we do not have a "clean fuel." We have listened to tales of woe about heating shortages in the major cities this winter. We have listened in rapt attention to the weighty testimony of scientists about the possibilities for reversing the dismal outlook for power.

On the natural gas side of the fuel picture alone, the future is grim, bleak, and unless something is done, hopeless.

In 1980, we will need 40 trillion cubic feet of natural gas. Today we are producing about 22 trillion cubic feet of natural gas. There is "hope" in that we supposedly have a 10-year reserve of natural gas but that statistic is illusory. The reserve-to-production ratio does not remain static in the intervening years of high-level production to meet growing natural gas demands.

New sources of natural gas in the United States are nowhere near adequate. We cannot, unfortunately, depend upon the good graces of our neighbor to the north, Canada, to bail us out of our natural gas dilemma. Just recently the Canadian National Energy Board denied our request for increased shipments of Canadian natural gas into the United States.

Some ill-informed people have talked in grand terms about a solution by importing liquefied natural gas to relieve the gas shortages in the Northeast part of the country. We can dismiss that so-called solution because, even now, the cost of imported LNG is prohibitive; the potential amount of such gas is insufficient to meet growing demand; and naturally, as we all know, such supplies are unreliable in the extreme.

In response to the crescendo of testimony that this Nation is in dire need of a clean fuel, and that the best source of this fuel is natural gas, the Subcommittee on Interior Appropriations responded in the national interest by providing a beginning point for the creation of a technology to develop what we all want—an environmentally clean, safe, domestic, source of power fuel.

The subcommittee authorized a small amount of money—\$10,280,000—to partially fund the construction of three pilot demonstration coal gasification plants in various areas of the country.

There may be criticism that the moneys are directed at only a few areas of the Nation. Let me reassure you on that point: Assuming the coal gasification processes are proved technically and economically feasible, we can confidently expect the construction of anywhere from 50 to 175 commercial coal gasification

powerplants throughout the length and breadth of the country.

The \$10.3 million provided in the original appropriations bill can be considered seed money for a network of clean fuel, natural gas powerplants to avert power shortages across the Nation.

In the labyrinth proceedings of the committee during final markup, this necessary amount of Federal seed money was deleted. It was deleted without prejudice—whatever that means—but it was deleted without adequate explanation.

In the committee's report, there was also added a slippery comment about the appropriation amount being provided for the favored few. I wish to inform the Members of the House that the so-called favored few number in the millions. The millions of consumers of natural gas in the Northeast United States and ultimately throughout the country. For this favored few we must find a way out of the energy crisis which we all know is building.

Considering the President's desire to avert an energy crisis;

Considering the subcommittee's desire to prevent an energy crisis;

Considering the public's desire to prevent an energy crisis;

And considering the responsibility of the Congress to prevent an energy crisis and at the same time provide for a clean-fueled substitute for present power sources;

I call upon the committee to explain its action in deleting these funds for the Office of Coal Research coal gasification plants in the bill now before us for consideration.

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

Mr. SAYLOR. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO. I was hoping to ask the eminent chairman of the full Committee on Appropriations the exact same question, because I am just as concerned by the deletion of this \$10 million as is the gentleman speaking. I would like to have an explanation.

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

Mr. SAYLOR. I am happy to yield to the gentleman from Texas.

Mr. MAHON. Having received permission to do so, I shall insert at this point in the RECORD the statement contained in the committee report which goes into some detail in discussing this matter.

The material referred to follows:

OFFICE OF COAL RESEARCH  
SALARIES AND EXPENSES

House Document 92-119 included a budget estimate of \$10,280,000 submitted by the Office of Coal Research pursuant to the President's "Clean Energy" message of June 4, 1971, in which he stated:

"As we carry on our search for cleaner fuels, we think immediately of the cleanest fossil fuel—natural gas. But our reserves of natural gas are quite limited in comparison with our reserves of coal.

"Fortunately, however, it is technically feasible to convert coal into a clean gas which can be transported through pipelines. The Department of the Interior has been working with the natural gas and coal industries on research to advance our coal gasification efforts and a number of possible methods for accomplishing this conversion

are under development. A few, in fact, are now in the pilot plant stage.

"We are determined to bring greater focus and urgency to this effort. We have therefore initiated a cooperative program with industry to expand the number of pilot plants, making it possible to test new methods more expeditiously so that the appropriate technology can soon be selected for a large-scale demonstration plant.

"The Federal expenditure for this cooperative program will be expanded to \$20 million a year. Industry has agreed to provide \$10 million a year for this effort. In general, we expect that the Government will continue to finance the larger share of pilot plants and that industry will finance the larger share of the demonstration plants. But again, the important point is that both the Government and industry are now strongly committed to move ahead together as promptly as possible to make coal gasification a commercial reality."

Basically, the program proposed in the budget estimate would provide for an expanded pilot plant coal gasification research program at a total cost of about \$30,000,000 per year for four years. The cost of the pilot program would be shared between the Government and non-Federal sources with the Government bearing two-thirds of the cost and the non-Federal sources bearing one-third of the cost.

The budget estimate reflects the first step in a \$296 million program that would involve the expenditure by the Government of \$80,000,000 in the pilot stage of the program. If the program should progress to the demonstration plant stage, an additional \$176,000,000 would be required with non-Federal sources possibly providing up to two-thirds of this amount.

Questions raised during the hearings developed several important considerations in connection with this program that caused some reservation by the Committee.

The Committee is not favorably impressed by the effectiveness with which previous funding has been utilized in the coal research program which has been operative since 1961. Through fiscal year 1971, a total of \$89,941,000 has been appropriated. In reply to a question on actual accomplishments during this period, the answer was: "We have had some economic studies that we feel have been a success, but as far as hardware technology is concerned, most of it is still in the development stage. . . ."

During the period fiscal year 1963 through fiscal year 1971, the Office of Coal Research has expended \$27,560,000 for coal gasification research. At the same time, private industry has been conducting research in this connection. Yet the practical feasibility of this technique has not been finally established.

The Committee is totally and completely aware of the energy crisis which currently confronts this Nation and which undoubtedly will become more acute in the immediate future. All possible action to alleviate this situation needs to be taken. Notwithstanding, careful consideration must be given to any project which involves a large expenditure of government funds. The Committee feels that additional information should be developed which would definitely indicate a reasonable likelihood that this research will provide productive results; in the ultimate the general public will be served and that benefits which accrue from the project will be universally beneficial; and that other sources of supply would not possibly be sufficient to alleviate the continuing energy shortage which in this instance involves natural gas.

The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided. Any resubmission of a request for funding this program should contain an abundance of stipulations to assure

that research results will not accrue to the benefit of a "favored" few.

Hearings were conducted on this entire subject by the subcommittee headed by the gentlewoman from Washington (Mrs. HANSEN). She would be more qualified to speak comprehensively on the subject than I, but the language from the committee report I have inserted in the record provides a general explanation of the position that the committee has taken.

Mr. SAYLOR. I would just like to say that the excuses given in the committee report to me do not hold water.

Mr. BOW. Will the gentleman yield to me?

Mr. SAYLOR. Yes, I will be glad to yield.

Mr. BOW. I will say to the gentleman that I somewhat share his feelings in this matter, but I would like, if I may, to ask the gentleman from Pennsylvania (Mr. McDADE) to reply to your question.

Mr. McDADE. Thank you, Mr. Chairman. I am delighted to respond.

If the gentleman read the committee report, he can read the language that says that the committee passed this matter over without prejudice until we got additional facts. If the gentleman thinks that there are sufficient facts in the record of the testimony on which we can base a judgment, then I would like to suggest he has not read the report very carefully.

Mr. SAYLOR. I would like to say that I have read every word of the testimony and have read the report very carefully. You say "without prejudice," whatever that means, and I do not know what it means.

Mr. McDADE. I think it is clear enough to anybody that can understand the English language. If you will read the part which says that we want additional facts before we make a final determination on this problem, I think it will be clear to you.

Mr. SAYLOR. You did put another reason in there that said only a favored few were going to get these contracts. Very frankly, they happen to be about 200 million Americans who will get the benefit of this.

Mr. McDADE. That is the gentleman's viewpoint. What we say is that we want to assure that the research results will not accrue to a favored few. What we are saying is we want to make certain that any research that is conducted is for the benefit of all of the people of the United States of America and anybody in the United States of America, corporate or otherwise, with an opportunity and a desire to participate will be given a legitimate hearing. That is what that means.

Mr. SAYLOR. I am glad to have that explanation, but nobody ever heard tell of it before.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to make a lengthy response at this time. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. As stated in the report, the committee is well aware of the energy shortage facing this Nation. In fact, a reference to our hearings will reveal that this committee was concerned about this situation several years ago. In our hearings on the 1972 appropriation, one will find a most complete description and analysis of our current and projected energy requirements and resources. Corrective action must be taken to remedy this situation. The only question is, what is the proper approach to accomplish this objective.

Now if you will read the report carefully you will note that the committee's failure to recommend funds for this project is not in any sense refusal to approve the coal gasification program. In the words of the report:

The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided.

There are several ramifications for consideration in this connection. The committee has consistently endorsed greater effort in the coal research program. During the past several years the committee has frequently provided funding in excess of the budget estimate. In this instance we have a situation where the regular 1972 budget estimate for the coal research program could have been classified as stringent. Yet even before the appropriation bill for 1972 was signed into law we received a budget amendment asking for an additional \$10,280,000 for the coal gasification program.

Mr. Chairman, this budget request is the beginning of an extensive program involving a total investment public and private of at least \$296,000,000. It very well could be that the eventual cost will be higher. The committee has learned through experience that it is not wise to immediately jump on the bandwagon when these new programs are presented. I well recall several years ago the dire predictions that were made about our helium supply and what a wonderful program that would be if it were put into action. Now 10 years later after a Government investment of about \$210,000,000 we have 28.7 billion cubic feet of helium in storage which at the current rate of usage we are told will last us until about 1995. The Secretary of the Interior is currently doing the best he can to terminate the contracts.

Another example close at hand with regard to the coal research program is the Cresap plant in West Virginia. Several years ago the committee received glowing accounts on the possibilities of making gasoline from coal. In due course the demonstration plant was built. After an investment by the Federal Government of about \$21,000,000 we find that the plant was in actual operation for about 20 days. Apparently, the possibility of making gasoline has been discarded and they are now searching for another use for this plant.

These are just a few examples of why the committee is not inclined to accept at face value the optimistic plans that are presented for long-range, high-cost research programs.



There are other considerations. The Senate is currently holding hearings on S. 1846, a bill to establish a coal gasification development corporation. While it is true that at this date we do not know the definite outcome of that proposed legislation, if it should be enacted it would have, I should think, a material impact on the program we are discussing today.

Some experts have contended that even if this process is successful it will require many commercial plants to produce sufficient synthetic gas to provide a meaningful supplement to our natural gas supply. These plants are expensive. It is estimated that they will cost anywhere from \$100,000,000 to \$200,000,000. Who will provide funding for these plants in order to enhance our supply of natural gas?

A large portion of our coal supply is on public lands situated near the surface in which case it is not conducive to shaft mining but on the contrary would have to be removed by strip mining. There are several bills pending in Congress to restrict or eliminate strip mining. What happens if this legislation is enacted?

Mr. Chairman, these are some of the considerations that were reviewed by the committee in its action on this particular budget request. They raised sufficient doubt in the minds of the committee members to cause them to delay approval of the coal gasification program at this time. As I said in the beginning, the committee action on this budget request today is not a final refusal. Within the next few months we will be receiving the regular 1973 budget estimate. The committee will be glad to consider this program again at that time when there is opportunity to have full and sufficient hearings on all the questions involved and other matters affecting our natural gas supply may have been a little more clearly established. What will additional exploration of our Outer Continental Shelf yield? Will there be any exploration? What developments may take place that will make the natural gas supply in Alaska available to the rest of the Nation?

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

Mrs. HANSEN of Washington. Yes; I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I do not want to take too much time at this late hour, but the State of Wyoming is now being strip mined from border to border in order to provide energy resources and coal is being shipped into some 25 States to try to meet the power needs in that area. There has been established a research program in the Four Corners area of Arizona and New Mexico, a program at an additional cost of \$25 million.

It seems to me when we cut items such as we have cut this one to the extent of \$10 million for some special research for one of the most crucial shortages with which this country is faced, we are cutting off our nose to spite our face.

Mr. Chairman, I hope this money will be restored as soon as possible.

Mrs. HANSEN of Washington. As the

gentleman knows, the committee increased the Office of Coal Research appropriation for fiscal year 1972 above the administration's budget request by \$4,500,000. We would also like to have some results. I will give the gentleman a specific example; about \$21 million was expended on one project to produce gasoline from coal. Do you know how many days the demonstration plant operated? Twenty days.

Mr. RONCALIO. Well, all I know is that with the importation of liquid natural gas from Algeria and the cost of energy and fuels to the people of this country someone has got to look after the consumer. If we cut here, who looks after the consumer?

Mrs. HANSEN of Washington. That is exactly what the committee asked. We have asked what the consumer benefits are. We have asked the administration to bring forth more information.

As our report indicates, the committee's action is entirely without prejudice. I can assure the gentleman that we are deeply interested in this problem.

Mr. RONCALIO. I am grateful for the assurance of the gentleman from Washington.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have asked for this time in order to ask the chairman, if I may, a question or two on an item that the gentleman from Iowa discussed with him, and that is the American Revolution Bicentennial Commission which item appears on page 9 of the report.

My question stems from my unfamiliarity with precisely what this means.

Does this mean even though the authorizing committees have not approved any funds for this Bicentennial Commission, they will be able to expend the sums appropriated in this bill?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, this is an ongoing program. It has to do with the American Revolution Bicentennial Commission which is currently operating under the continuing resolution. We expect an authorization will be enacted. There is a provision on page 4 of the bill which stipulates that this appropriation shall be available only after the enactment into law of authorizing legislation by the 92d Congress. So, unless the authorizing legislation is enacted, funds provided in this bill will not be available for obligation.

Mr. WALDIE. But in the meantime, and prior to its authorization, will they be permitted to expend the moneys at the rate appropriated by this bill?

Mr. MAHON. Under the continuing resolution they have been able to expend funds at the rate of 1971 expenditures.

Mr. WALDIE. Mr. Chairman, I see members of the committee disagreeing, apparently, with that statement.

Mr. MAHON. The chairman of the subcommittee is here. Perhaps she may wish to comment. If the gentleman would yield to the gentleman from Washington (Mrs. HANSEN), I think she will be able to offer more details.

Mrs. HANSEN of Washington. At the

present time they are operating under the continuing resolution with expenditures limited to last year's rate. This appropriation shall be available only upon the enactment of the authorizing legislation by the 92d Congress.

Mr. WALDIE. So, I suppose that the passage of this bill will provide them no funds whatsoever?

Mrs. HANSEN of Washington. Not until the authorization is enacted. I would say to the gentleman that I hope the authorization is enacted soon because there are only 5 more years left until the bicentennial.

Mr. WALDIE. May I say to the gentleman from Washington that I am on one of the authorizing committees, the Committee on the Judiciary, and from the hearings we have held thus far I say very frankly to the gentleman they do not impress me one bit that this Commission has the slightest idea of what they are about, nor that they are approaching a resolution of the problem in any responsible way whatsoever. I find in fact that it seems to be filled with high-priced public relations men who have not been able to obtain employment in recent years. And until such time as I see an indication that is more convincing to me than at present that they have any idea of what sort of a celebration they are proposing, I for one shall not vote to authorize the appropriation.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield, I believe another fact that I hope is being looked at by the authorizing committee and by the appropriating committee, is that we have found that there are some very lucrative coinage contracts going out to certain mints in this country, and there are some pretty heavy profits involved. I do hope that if that be the case that the taxpayers will be repaid for the sums that have been spent for this before these fat profits are made by certain mints in this country.

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

(On request of Mr. GROSS (and by unanimous consent) Mr. WALDIE was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I wonder why the committee saw fit to put \$1.8 million into this bill if it cannot be spent? Why did they put in \$1.8 million into this supplemental bill?

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

Mr. WALDIE. I yield to the gentleman from Texas, the distinguished Chairman.

Mr. MAHON. This is an ongoing program. There was a budget estimate for the continuation of the program. The program has been operating under the continuing resolution. We have provided funds for the program.

If it is felt that the committee is in error, of course it is the prerogative of the House to eliminate the item from the bill.

Mr. GROSS. If the gentleman will yield further, I just do not understand why the committee put \$1.8 million in, and then said that it cannot be spent without the authorizing legislation.

Mr. MAHON. Of course the bill pro-

vides that this appropriation shall be available only after the enactment into law of the authorizing legislation by the 92d Congress.

Mr. GROSS. I am getting some of the same reports the gentleman has indicated that they are getting through their investigation of a tremendous waste in this program. And I do not see why the \$1.8 million was put into it under these conditions and terms.

Mr. WALDIE. Mr. Chairman, I would only comment to the chairman of the Committee on Appropriations, Mr. MAHON, that if this is a unique situation, as to why this special treatment should be accorded, I do not believe the report has demonstrated that is the case, that it is a unique situation. But the thing that concerns me is that these people have not the slightest idea of what they are going to do to celebrate the bicentennial of this Nation, and that the money we have given them to come up with some ideas has not been well spent.

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

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we all have a feeling of patriotic pride in regard to our forebears. We honor the American heroes of the Revolution. I thought this was a program that everyone supported, and one that would tend to arouse the enthusiasm and patriotism of the American people to do a better job. We can well afford to consider the glories of the men who fought in the American Revolution.

Now I find that there are some objections to this program. If this program is not being run properly then I want to see it redirected or terminated. That is the way I feel about it. And I shall have the matter looked into.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, may I say that there is a multitude of suggestions on how to run the bicentennial. I am sure you will well remember that it was our former colleague, Congressman Marsh of Virginia, who worked long and hard to start this program for a bicentennial celebration. It would seem somewhat strange that this United States would ignore and not recognize at all the bicentennial of the birth of this country, particularly when France with some pride has celebrated her birthday, and Russia has done the same.

I did not appoint the members of the Commission. I am not complaining and I am not here to apologize for them. I do know this, they have been working diligently on this program. I happen to be a member of the Commission appointed by the Speaker of this House. I have attended their meetings to analyze the programs and the suggestions.

I think it is a very difficult situation to cope with. It should involve all of the 50 States. Everyone wants a different type of participation. There are those on the west coast who feel it should be the West participating to a large extent. Then in the Northeast they feel the focus should be on their region. The distinguished chairman from Texas (Mr. MAHON) has in his city, for example, a

group who want to make a meaningful contribution to the bicentennial.

I know it is easy to criticize the President of the United States and the Bicentennial Commission, but I would hope that all of us could get together on a non-partisan basis and do something constructive about celebrating the bicentennial of this Nation of which I am very proud to be a descendant of some of those colonial patriots.

I can assure the Members of this House that this program will be closely monitored all the way. Most of the activity thus far has been the formulation of plans. There has been little opportunity for the granting of contracts involving "fat profits."

My sole purpose in supporting this appropriation is to say to all the world, "We are proud that in 1776 we established a great new Nation."

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

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. I do not know of anyone who is opposed to the proper observance of the bicentennial of the American Revolution and I know of no one in this Chamber, and I certainly am not; but I would like to know who is going to pay the piper once in a while and speak in behalf of the taxpayers of this country. I just do not know of any reason why the committee should want to pump \$1,800,000 into this bill under these circumstances.

Mr. MAHON. We started this program to observe our bicentennial. We cannot start something as important as this and then quit. I would hope these funds are not being misused and, as chairman of the committee, I propose to do everything I can to see that these funds are properly used. I know there is a difference of opinion as to how the funds are to be expended.

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

Mr. MAHON. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I am not a member of the Commission, as many of you know, but I have been a teacher of history. I am one who believes the story of the involvement of the United States of America is one of the most fortunate things in the history of America is the Bicentennial Commission to commemorate the 200th anniversary of our birth.

I think it is a wonderful thing we are thinking about.

I agree with the gentleman from California that the Commission up to this date has not measured up, but they are discovering their shortcomings and are beginning to counsel with people who have had experience.

This House knows how wonderfully the Civil War Centennial Commission performed and the magnificent contributions that were made and much of it resulted from the voluntary effort of many people with the help again of many of the States in starting their programs.

The Federal Government should furnish more leadership than they have.

I want to commend the chairman of the committee and the committee for putting the money into this bill with the

provisos that they did to force the people who are in the leadership of the Commission to present a satisfactory program.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

#### OFFICE OF EDUCATION CIVIL RIGHTS EDUCATION

For carrying out title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed \$3,672,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, \$19,672,000.

#### AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 5, line 8, before the section headed "Civil Rights Education," insert a new section reading as follows:

#### "BILINGUAL EDUCATION

"For carrying out the purposes of Title VII of the Elementary and Secondary Education Act of 1965, as amended, providing for bilingual education, \$15 million."

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

Mr. YATES. Mr. Chairman, this is an amendment to give the opportunity for an education to 5 million children in the United States who are not now receiving such an education. I am referring to three groups of children primarily: children of Indian families, children of French-speaking families, and children of Spanish-speaking families, particularly the latter, children who are required to obtain their education in schools where English alone is taught. They just cannot handle the situation because they do not speak English, or write it. They are strangers to it.

I have a letter here from one of the teachers in the Chicago school system who wrote to me as follows:

During the four months I taught at Tuley this is what I found: There were no drug addicts and no discipline problems among the Latin-American kids in my classes. On the contrary, they were eager to please, eager to learn, and eager to find a place for themselves in this city. They were seriously handicapped, however, by a lack of English grammar and a lack of basic writing skills. English is the mother of all studies in our schools. No one can comprehend a textbook or write an examination in social studies, for example, without basic competence in the language.

It seems to be obvious that these children need help. Yet the fact remains we are just not providing funds with which to educate them. They are being short-changed. They are not being given the same opportunities as children who know English.

How much money has been provided so far this year? The authorization bill is in the amount of \$100 million. The Appropriations Committee and the Congress voted the sum of \$35 million for the bilingual program, and of that amount the Office of Management and Budget has frozen \$10 million. Thus there is approximately 25 percent of the entitlement of the authorization being used for this purpose.

As it happens, of the \$25 million, only



three States get the major portion of it. The State of Texas gets \$5.5 million. The State of California receives \$7.5 million. The State of New York receives \$2.5 million. Only a small amount remains for all the other States of the Union. Their children are being hurt. They are not receiving the education they deserve. For example, in my State of Illinois, where we have over 60,000 children of Spanish-speaking families, the State of Illinois receives \$220,000. This is an outrageously small sum. I am not criticizing the States that have received the money, Mr. Chairman. I am sure that Texas, California, and New York require this money in order to educate their children. The problem is the lack of the funds for the children of other States.

What I object to is the fact that not enough money is made available for children of Spanish-speaking families. They are being shortchanged.

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

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

Mr. DANIELSON. I am not totally familiar with the provisions of our law on this subject. Are there any provisions for bilingual education of children of oriental families? I am thinking specifically of Chinese Americans, Japanese, and Filipinos.

Mr. YATES. I would think that the bilingual program is not limited to certain languages. I would think that if the occasion arose—and I can see this happen, for example, in Chinatown in San Francisco—such a program would be available for the children of Chinese-speaking families.

Mr. DANIELSON. Then it is not limited to the French and Spanish-speaking programs?

Mr. YATES. That is right. It is my understanding that it is not limited to those programs.

So, Mr. Chairman, what is happening as a result of the failure to provide adequate education is this. The Chicago Daily News made a survey recently of what was happening in the city of Chicago to children of the Spanish-speaking families, and they found the children were dropping out of the inner city schools at the rate of 50 or 60 a day. They are dropping out of our schools. They are having extreme difficulty in obtaining jobs because they cannot write job applications in English, and when they go for a job interview, they are not able to speak English. They cannot, as a result obtain employment. It is a double blow to them. They cannot obtain an education on the one hand in the schools, and on the other hand, they cannot find jobs.

Education is the life's blood of every society. Education is the tool for making progress more so today than even before. I believe it is essential, it is vital to give these children the opportunity to make a place for themselves in our communities. I hope my amendment would be agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

One of the troubles with the gentleman's amendment is that his argument

is with the Office of Management and Budget and not with the Congress or with the Appropriations Committee. What happened was the administration asked for \$25 million. We appropriated \$35 million. They froze \$10 million. And give them another \$15 million, they would freeze that too. We are not accomplishing anything at all by talking about more money to be frozen. We all think it is a great program. If we did not think so, we would not have appropriated \$10 million over the budget request.

However, there is a legitimate argument on the part of the administration. They say that since there is latitude in the use of the funds under other education programs, we should consider the total funds used for bilingual programs rather than just that which bears the specific label—with initial caps—"Bilingual Education Program."

There is a total being used for this purpose of \$77,500,000. Under title I of the Elementary and Secondary Education Act we have appropriated \$23,500,000 which is being used by schools, at their choosing, for bilingual education. Under title III they are using \$9 million, and under Follow Through they are using \$7 million, and under adult education they are using another \$3 million. In addition to that this \$35 million is available. So it is obvious that education people like this program. They want to do something about bilingual education and are doing something about it under several programs. But we have appropriated, already, \$10 million more than they asked for. No matter what we appropriate, somebody wants more. Nobody asked the committee to put in more, and we did not hear about it until we got to the floor.

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

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I did state in the full Appropriations Committee that I reserved the right to offer this amendment on the floor.

Mr. SMITH of Iowa. I am talking about when we were holding the hearings and marking up the bill.

Mr. YATES. It is sometimes difficult for the members of the appropriations subcommittees to find out when other subcommittee hearings and markups are being held.

Mr. Chairman, to adopt this amendment would indicate to the administration that the Congress thinks this is of such importance that the administration ought to make even more money available than the \$35 million currently appropriated. I think they might reassess their position in freezing the \$10 million of the money the Congress made available, recognize the importance of this program, and use the full appropriation including this additional amount.

I think this amendment ought to be approved.

Mr. SMITH of Iowa. Mr. Chairman, I think we have already made it clear that Congress feels this is an important program. We have appropriated \$10 million more than they requested and see fit to use.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

I take this one moment to supplement what the gentleman from Iowa has said so well. There are 163 ongoing projects. I have the assurance of the Department today that with the 1972 appropriation of \$35 million there will be a continuation of the funding of those 163 plus 40 new projects, and that the \$10 million which the Congress in its wisdom, we feel, did add to the budget will be made available.

Initially the Office of Management and Budget did not want to spend it, and froze it. I believe we have convinced the folks downtown that it ought to be unfrozen, and this additional \$10 million will be obligated this fiscal year, providing further for the 163 ongoing projects and the 40 new ones.

I am happy that my colleague from Illinois, who expresses himself so well for the City of Chicago and environs, has made his position clear, that they have been unduly short changed in Illinois. While I do not have that problem in my district, I will make it my business from this point on to see that we get a better shake out of this, because I believe the gentleman has made a good argument for the city of Chicago. The problem there is just as acute, conceivably, as in the city of New York, and many other geographic areas.

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

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

Mr. YATES. I am glad the gentleman made the statement he did. When I called the Office of Education yesterday and made inquiry as to whether or not the \$10 million which had been frozen was going to be unfrozen I was told the answer was "No." I am glad to get the gentleman's assurance tonight that the \$10 million will be made available for this program. I believe that will be of tremendous help.

I still believe it is inadequate, because even with the \$10 million it is still only a little more than one-third of the entitlement to meet a problem which is constantly growing in this country and is not being met properly.

Nevertheless, I thank the gentleman.

Mr. MICHEL. The gentleman has the assurance of this Member that we are certainly going to keep the pressure on. As I indicated, I have been given to understand this would be unfrozen and obligated before the end of the fiscal year. If I find out to the contrary I believe there will be those who will want to make it right.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I support this amendment that would appropriate an additional \$15 million for the bilingual education program established in 1968.

The Office of Education appropriation for the current fiscal year includes \$35 million for this program, though the law authorizes \$100 million, and, as if that were not bad enough, the administration has impounded \$10 million of the \$35 million we finally did appropriate. There is of course no guarantee that they will not impound this additional \$15 million too, but our putting it in this bill will demonstrate to them that we mean business, that we want this program to be funded at the \$35 million level provided for in the law.

The Bilingual Education Act declares it to be the policy of the United States to provide "new and imaginative" bilingual educational opportunity for elementary and secondary students for whom English is a second language. Such programs include, in addition to straight bilingual education in the public schools, studies on the cultural and historical aspects of the non-English language, pre-school programs to increase children's learning potential when they enter school and adult education.

There are in the United States over 5 million children needing bilingual education. Over 600,000 of these youngsters live in my home State of New York, but only about 8,000 of them are presently receiving bilingual education under this program.

There are, as I have said, over 5 million children in the United States who need bilingual education. Many of these children are seriously hampered by their bilingualism, and are unable to get to the head start they need because of this difficulty. Congress, in voting only \$35 million for this program, and the administration, in withholding \$10 million of that, have not afforded proper recognition to the urgent need to assist these children.

We must significantly increase our commitment to the struggle of Chicanos, Puerto Ricans, Chinese, American Indians and other linguistic minorities for equal educational opportunity. Funds such as those provided for in this amendment are sorely needed to begin to make the promise of education a reality for all children regardless of language. I urge you to recognize this need and to adopt this amendment.

Mr. Chairman, I believe that many Members sitting here tonight are not aware of the fact that they have as much need for this bilingual education appropriation as is evidenced by our lack of interest in seeing to it that we appropriate a large amount.

In New York we have 600,000 youngsters in the State who could use bilingual education. The funds allocated now only give us the opportunity to provide it for about 8,000 youngsters.

I want to suggest to my colleagues from the other States that the bilingual population in need of this education is spread across this whole country. If we really care about providing children with an understanding of the way in which to build a really good American democracy, we have to give them an opportunity to be educated.

Many people are very concerned about the way the youth are developing in our

country. I believe that a bilingual youngster is really disadvantaged in our school system. I believe the bilingual education program has been an excellent program and has recognized that disadvantaged youngsters could be really advantaged and could make fine Americans and contribute much more to our society as a whole if we could but integrate them through education.

I do not believe we should use as an excuse for not increasing the money already authorized the fact that the Office of Management and Budget has not agreed to it. I believe they have not been put under sufficient pressure.

If the Members will look at the figures provided by the Office of Education they will be shocked to find how little money they are getting in their States, as the gentleman from Illinois (Mr. YATES) has pointed out.

I can assure the Members that the amount of money we get in New York is nowhere near what we need to combat the serious problem we have, which largely arises from the fact that the children are not getting good education. I believe this applies to most areas of the country today.

I would urge that we increase the amount, and I support the amendment offered by the gentleman from Illinois (Mr. YATES) for that reason.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, in about a couple of months or so we will be getting ready for hearings on the education appropriation bill for next fiscal year. We are all interested in bilingual education.

Of course, it would take hundreds of millions of dollars per year to fully meet this situation nationally. We are going along as best we can under the present circumstances.

Next year, the Committee, the Congress, and I feel certain the executive branch, will give consideration to what further steps to take. Under all the circumstances of the moment it seems to me it would be unwise to approve the pending amendment, and I therefore ask that it be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the chairman of the Agriculture Subcommittee (Mr. WHITTEN).

In the last several weeks I have received a series of complaints about inadequate funding of section 13 of the School Lunch Act which relates to feeding assistance to low-income children in Headstart, summer camps, and so forth. For example, the compensation for a child in the District of Columbia is reduced from 30 cents to 15 cents in an effort to stretch the District's allotment throughout the entire year. In my State of Ohio we have been allotted \$630,000 by the Department of Agriculture, but our documented need is double that, or \$1.25 million. Other States have similar deficiencies.

My question is this: Is it possible that the money for some of the States which are short of funds for this program could be obtained by reallocation from those States not using their allocations?

Mr. WHITTEN. Will the gentleman yield?

Mr. VANIK. I am glad to yield to the gentleman.

Mr. WHITTEN. I appreciate the gentleman's interest, as he knows. My recollection is Congress passed legislation providing funds about to the limit of the authorization—I think to the limit of the authorization. That is not a direct reply to the gentleman's question, but we have also involved a formula type of distribution of funds.

As to the particular point the gentleman raises, as to where under the formula and in what way it is distributed in the first instance and how they are using these funds where this is a need after they are transferred to a State that is running behind, I am sorry to say I do not know how to reply. I will be glad to ask the staff and the department to look into the matter and see what the possibilities are and advise the gentleman.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### CHAPTER V

#### DEPARTMENT OF COMMERCE

#### MINORITY BUSINESS ENTERPRISE

#### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting and developing minority business enterprise, \$40,000,000, of which \$38,000,000 shall remain available until expended: *Provided*, That \$2,000,000 may be transferred to the appropriation for "Minority business enterprise, salaries and expenses" for administrative expenses: *Provided further*, That not to exceed \$12,500,000 of this appropriation shall be available for technical assistance, research and information pursuant to title III of the Act of August 26, 1965, as amended (42 U.S.C. 3151).

Mr. ROONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with respect to chapter V recommended by the Subcommittee on Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies, I should like to first explain the five items which are contained in the printed report beginning at page 29, the first of which is the recommendation by the committee for an appropriation of \$40 million, the full amount requested in the budget estimate, to foster, promote and develop minority business enterprise. These funds are to be used to provide financial assistance in the form of grants and contracts to national, regional, State and local organizations in support of projects which advance minority business ownership.

Now, the second of the five items concerns salaries and expenses, National Oceanic and Atmospheric Administration, known as NOAA. They requested \$532,000 to move certain activities of the National Oceanic and Atmospheric Administration from the National Bureau of Standards site on Van Ness Street in the District of Columbia to a suburb known as Riverdale, Md. The committee did not



allow any funds for this item of \$532,000, however, but directed that the move could be accomplished with existing funds presently available to the Agency.

As to the National Bureau of Standards, "Plant and facilities," there was a request for \$2,100,000 for design and construction of a fire research facility to replace present facilities at the Van Ness Street property which must soon be vacated. The committee recommended \$1,750,000 of this amount to cover the plans, design and construction.

Now, as to the U.S. Commission on Civil Rights, the fourth item, the committee has included the additional sum of \$344,000 in the pending bill. This, together with the \$3.4 million provided in the regular annual appropriation act makes a total of \$3,744,000 available for this Commission for the fiscal year 1972, which is an increase of \$347,000 over the appropriation for fiscal year 1971.

The last of the five items, one for the Small Business Administration, was a request in the amount of \$200,000 for "Salaries and expenses" to provide for 21 new positions to carry out additional responsibilities. The committee has not at all approved this request, but has directed that the Small Business Administration use part of the \$80 million in appropriated funds in the hands of the Agency for "Salaries and expenses" to take care of this increased responsibility.

Now, the sixth item to which I shall direct my attention is an amendment which I have pending at the Clerk's desk. This amendment would insert at page 11, line 14, provision for an additional amount of \$30 million for Economic Development Administration public works impact program which was just announced today by the Secretary of Commerce.

In his announcement the Secretary of Commerce stated that he was directed by the President to proceed immediately with a public works impact program to create new and useful jobs, now in areas of high unemployment.

This program was authorized as an expansion of the Economic Development Administration legislation last August 5.

Under this special impact program EDA can fund a wide variety of job-creating construction projects. The Agency would be able to use \$27 million now in their hands and available for these purposes, together with the \$30 million recommended in the pending amendment.

The 14th Congressional District in Brooklyn, N.Y., is vitally interested and would participate in this program.

AMENDMENT OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of New York: Page 11, line 14, after "DEPARTMENT OF COMMERCE," insert:

"ECONOMIC DEVELOPMENT ADMINISTRATION  
"DEVELOPMENT FACILITIES

"For an additional amount for development facilities, as authorized by title I of the Public Works and Economic Development Act of 1965, as amended, \$30,000,000."

Mr. ROONEY of New York. Mr. Chairman, I might add that I have the advice of the Director of the Office of Management and Budget, Executive Office of the President, Mr. George P. Shultz, to the effect that they will use these \$30 million immediately for the purpose of this impact public works program.

I know many Members are interested in this subject, and I trust that the pending amendment will be adopted.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say that the gentleman from New York (Mr. ROONEY) has discussed this matter with the subcommittee since this matter came to our attention today. This is a very worthwhile project to put people to work, and I feel that on this side of the aisle we are willing to accept the amendment, and I ask for a vote, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it should be repeated that the amendment would provide additional funding for ongoing programs under the EDA.

The administration has come out strongly for additional funds in a communication today. We do not have an official budget estimate, but we do have a statement to the effect that the funds are needed and are required. It seems highly probable that the funds will be provided by this body, or the other body. Under the circumstances—and I have no authority to speak for the committee on the program—I see no reason why the amendment should not be adopted. I regret that a formal budget amendment from the President has not yet arrived.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROONEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### RELATED AGENCIES

#### WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

#### FEDERAL CONTRIBUTION

For an additional amount to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143), including acquisition of rights-of-way, land and interests therein, to remain available until expended, \$38,011,000 for the fiscal year 1972.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I take this time—and I will try not to use any of the 5 minutes—to ask if this item of \$38,011,000, for that glorious subway construction in the District of Columbia, will include the payment for damages of sidewalks falling in, such as happened near the Treasury Building, the damage that has already been done to the Treasury Building, and any other damage caused by this work?

Will this \$38 million take care of these damages, or will Congress be called upon

to provide more millions through other appropriations to take care of the damages that are being caused in downtown Washington by the construction of this thing?

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

Mr. GROSS. Of course. I am glad to yield to my friend.

Mr. McFALL. The money is for the Federal contribution, the balance of the \$188 million which was earlier requested in an earlier bill. We paid \$150 million. By this we provide the balance of the request that was earlier made.

I regret to say that I do not know the answer to the gentleman's question about the damage. The specific request for these funds is for matching funds for the construction of the subway. I will attempt to find out at the earliest time possible the answer to the gentleman's question by asking the Metro authorities what these damages are to which the gentleman refers, and how they will be paid.

I assume that they will be paid if the U.S. Government is liable, or if the District government is liable in any way for damages to buildings in downtown Washington, naturally they will have to be paid.

Mr. GROSS. I do not know how the U.S. Government could be liable, except that it is just money, and they never have any money in the District of Columbia. These leeches are always after us for more money. Next they will want our blood.

Mr. McFALL. Naturally, the gentleman is correct, it would be the Washington Metropolitan Transit Authority's blood.

Mr. GROSS. I doubt that under the language contained here, that this \$38 million could be used to pay for any of these damages. I suspect there will be a nice fat bill for those damages later. I would suggest that we board up the holes that have been dug down in the city and use them for bomb proofs. When the taxpayers in California and Iowa finally find out what has been done to them here, some people will need those subway holes to crawl into to escape the wrath of the taxpayers.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. THOMPSON of Georgia. Would the chairman of the subcommittee remain? I would like to ask a question of him, if the gentleman from Iowa will yield for that purpose.

During the discussion of the appropriation, is there any mention at any time made about requiring competitive bids on any of the major expenditures?

I know we have had a number of scandals in the past concerning expenditure of public funds on contracts that were let with favoritism and sometimes charges of improper actions and, indeed, bribes in certain cases; is there anywhere in this authorization bill or the appropriation bill involved a requirement for competitive bidding on letting of contracts?

Mr. McFALL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman.

Mr. McFALL. It is my understanding that competitive bidding is the law in the letting of all these bids. All those contracts are let on the basis of bids.

The area we did have which was referred to as to whether or not some of these bids might be let without competition, we were assured that they could not. This was a question in relation to the minority businessmen who wanted to obtain contracts that would not be in competition.

The Washington Metropolitan Authority people told us they did later in the day at a hearing downtown say that this was impossible to do without competitive bids. I think that is the answer to the gentleman's question.

Mr. GROSS. It has been suggested to me that there is a chapter VIII in this bill entitled "Claims and Judgments" with \$19 million. Next year it will probably be back with that amount or more to pay damage claims incidental to this subway construction.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

#### CHAPTER IX

#### GENERAL PROVISION

SEC. 901. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

#### AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED of Oklahoma.

AMENDMENT TO H.R. 11955, A BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1972, AND FOR OTHER PURPOSES

On page 15 after line 17 add the following sentence: The first proviso in the second paragraph of title I of Public Law 92-48 is amended by striking the first proviso therein.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. My point is that the amendment refers to a provision that was in an appropriations act but is now a public law. Therefore, the gentleman is trying to amend a public law, and that would be legislation upon an appropriations bill.

The CHAIRMAN. Does the gentleman from Oklahoma wish to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman. The amendment deals with an office which is included in the bill and involves funds that are under the jurisdiction of the provisions of this bill. It is a limitation and deals with a limitation.

Mr. O'HARA. Mr. Chairman, I ask to be heard on the point of order. The provisions which the gentleman from Oklahoma is now offering to strike were carried in the Education Appropriation Act. An effort was made to strike the provision out of the Education Appropria-

tion Act on the ground it was legislation on an appropriation. That point of order was overruled. I do not see how an amendment offering to strike that provision from the Education Appropriation bill could possibly be legislation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa (Mr. SMITH) has made a point of order against the amendment offered by the gentleman from Oklahoma (Mr. STEED) on the ground that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI. The amendment proposes to amend Public Law 92-48 by striking out the first proviso in the second paragraph of title I of that law. That proviso requires that none of the funds contained in the second paragraph of title I of Public Law 92-48—funds for school assistance in federally affected areas—shall be available to pay any local educational agency in excess of 73 percent of the entitlement of such agency pursuant to section 3(b) of title I of Public Law 81-874.

Clearly, the amendment offered by the gentleman from Oklahoma would repeal a provision in existing law and would thereby constitute a change in the restrictions on the availability of funds imposed by that law. The Chair holds that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI, and sustains the point of order.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11955), making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

#### TELLER VOTE WITH CLERKS

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MAHON, BOW, THOMPSON of Georgia, and SMITH of Iowa.

The Committee divided, and the tellers reported that there were—ayes 271, noes 20, not voting 139, as follows:

[Roll No. 430]

[Recorded Teller Vote]

AYES—271

Abourezk	Griffin	Nelsen
Abzug	Gude	Nichols
Adams	Halpern	O'By
Anderson,	Hamilton	O'Hara
Calif.	Hanley	O'Neill
Archer	Hansen, Idaho	Passman
Arends	Hansen, Wash.	Patten
Aspin	Harrington	Pepper
Aspinall	Harsha	Perkins
Baring	Harvey	Pettis
Begich	Hastings	Pickle
Bennett	Hays	Pike
Bergland	Hechler, W. Va.	Pirnie
Betts	Heckler, Mass.	Podell
Bevill	Heinz	Powell
Blester	Helstoski	Preyer, N.C.
Bingham	Henderson	Price, Ill.
Boggs	Hicks, Mass.	Price, Tex.
Boland	Hicks, Wash.	Purcell
Bolling	Hogan	Qule
Bow	Horton	Randall
Brademas	Hosmer	Rangel
Brinkley	Howard	Rees
Brooks	Hungate	Reuss
Broomfield	Hunt	Rhodes
Brozman	Hutchinson	Riegle
Brown, Ohio	Ichord	Robinson, Va.
Broyhill, N.C.	Jacobs	Robison, N.Y.
Broyhill, Va.	Johnson, Calif.	Roe
Buchanan	Johnson, Pa.	Rogers
Burke, Fla.	Jones, N.C.	Roncallo
Burke, Mass.	Kastenmeier	Rooney, N.Y.
Burleson, Tex.	Kazen	Rosenthal
Burlison, Mo.	Keating	Roush
Byron	Kee	Roy
Cabell	Keith	Roybal
Caffery	Kemp	Ruppe
Camp	Kyl	Ruth
Carney	Kyros	Ryan
Carter	Latta	St Germain
Chisholm	Leggett	Sandman
Clausen,	Lennon	Satterfield
Don H.	Link	Saylor
Clawson, Del	Lloyd	Scherie
Collier	Long, La.	Scheuer
Conable	Long, Md.	Schwengel
Conte	Lujan	Scott
Coughlin	McClory	Sebelius
Daniel, Va.	McCollister	Seiberling
Daniels, N.J.	McCormack	Shoup
Danielson	McCulloch	Shriver
de la Garza	McDade	Skubitz
Delaney	McDonald,	Slack
Dingell	Mich.	Smith, Iowa
Dow	McEwen	Smith, N.Y.
Downing	McFall	Snyder
Drinan	McKay	Spence
Dulski	McKinney	Springer
Duncan	Madden	Staggers
du Pont	Mahon	Stanton,
Dwyer	Mailliard	J. William
Eckhardt	Martin	Stanton,
Edwards, Ala.	Mathias, Calif.	James V.
Edwards, Calif.	Mathis, Ga.	Steed
Erlenborn	Matsunaga	Steele
Esch	Mayne	Steiger, Ariz.
Eshleman	Mazzoli	Steiger, Wis.
Fascell	Meeds	Stephens
Fish	Meicher	Stokes
Flowers	Michel	Stratton
Foley	Mikva	Stubblefield
Ford, Gerald R.	Miller, Calif.	Stuckey
Ford,	Miller, Ohio	Symington
William D.	Mills, Md.	Talcott
Forsythe	Minish	Taylor
Frelinghuysen	Mink	Terry
Frenzel	Minshall	Thompson, Ga.
Frey	Mitchell	Thomson, Wis.
Fuqua	Mollohan	Tiernan
Galifianakis	Monagan	Udall
Gallagher	Moorhead	Van Deerlin
Gaydos	Morgan	Vander Jagt
Gonzalez	Mosher	Vanik
Goodling	Moss	Vigorito
Gray	Murphy, Ill.	Waldie
Green, Oreg.	Myers	Ware
Green, Pa.	Natcher	Whalen



Whalley  
White  
Whitehurst  
Whitten  
Widnall  
Williams

Winn  
Wolff  
Wright  
Wyatt  
Yates  
Yatron

Young, Fla.  
Young, Tex.  
Zablocki  
Zion

## NOES—20

Blackburn  
Chappell  
Colmer  
Crane  
Davis, Wis.  
Dellenback  
Dennis

Dickinson  
Gross  
Haley  
Hall  
Jonas  
Landgrebe  
Mann

Montgomery  
O'Konski  
Rarick  
Schmitz  
Smith, Calif.  
Veysey

## NOT VOTING—139

Abbott  
Abernethy  
Addabbo  
Alexander  
Anderson, Ill.  
Anderson, Tenn.  
Andrews, Ala.  
Andrews, N. Dak.  
Annunzio  
Ashbrook  
Ashley  
Badillo  
Baker  
Barrett  
Belcher  
Bell  
Blaggi  
Blanton  
Blatnik  
Brasco  
Bray  
Brown, Mich.  
Burton  
Byrne, Pa.  
Byrnes, Wis.  
Carey, N.Y.  
Casey, Tex.  
Cederberg  
Celler  
Chamberlain  
Clancy  
Clark  
Clay  
Cleveland  
Collins, Ill.  
Collins, Tex.  
Conyers  
Corman  
Cotter  
Culver  
Davis, Ga.  
Davis, S.C.  
Dellums  
Denholm  
Dent  
Derwinski

Devine  
Diggs  
Donohue  
Dorn  
Dowdy  
Edmondson  
Edwards, La.  
Ellberg  
Evans, Colo.  
Evins, Tenn.  
Findley  
Fisher  
Flood  
Flynt  
Fountain  
Fraser  
Pulton, Tenn.  
Garmatz  
Gettys  
Gialmo  
Gibbons  
Goldwater  
Grasso  
Griffiths  
Grover  
Gubser  
Hagan  
Hammer-  
schmidt  
Hanna  
Hathaway  
Hawkins  
Hébert  
Hillis  
Hollfield  
Hull  
Jarman  
Jones, Ala.  
Jones, Tenn.  
Karth  
Kling  
Kluczynski  
Koch  
Kuykendall  
Landrum  
Lent  
McCloskey  
McClure

McKevitt  
McMillan  
Macdonald, Mass.  
Metcalfe  
Mills, Ark.  
Mizell  
Morse  
Murphy, N.Y.  
Nedzi  
Nix  
Patman  
Pelly  
Peyser  
Poage  
Poff  
Pryor, Ark.  
Pucinski  
Quillen  
Rallsback  
Reid, N.Y.  
Roberts  
Rodino  
Rooney, Pa.  
Rostenkowski  
Roussetot  
Runnels  
Sarbanes  
Schneebeli  
Shipley  
Sikes  
Sisk  
Sullivan  
Teague, Calif.  
Teague, Tex.  
Thompson, N.J.  
Thone  
Ullman  
Waggoner  
Wampler  
Wiggins  
Wilson, Bob  
Wilson,  
Charles H.  
Wylder  
Wylie  
Wyman  
Zwach

# CONFERENCE REPORT ON S. 1116, PROTECTION OF WILD FREE- ROAMING HORSES AND BURROS

Mr. BARING. Mr. Speaker, I call up the conference report on the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 29, 1971.)

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

Mr. Speaker, I would like to summarize the conference report on S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands.

There were eight points of difference between the Senate and House versions of S. 1116, and I am happy to report that all of these points were successfully resolved. As a result of the conference, it is my sincere feeling that the bill was substantially strengthened and clarified and that the measure before us today will fully protect these animals from the harm, harassment, abuse, and wanton killing that has been all too common in the past.

The eight points of difference and the compromise language adopted by the conferees will be summarized.

First, the definition of "range" was amended to remove any implication that these animals should be confined to fenced or otherwise enclosed areas. It was the feeling of the conferees that fenced ranges or close confinement would destroy the unique characteristics of these animals and relegate them to a zoo-like existence. The goal of the legislation is protection in a natural state rather than single-use management of wild horses and burros.

Second, the role of State wildlife agencies, as contained in the House version, was modified to clarify that this role was advisory and to emphasize consultation between State and Federal agencies for the management of wildlife and wild horses and burros using the public lands.

Third, the manner of disposal of the remains of a wild horse or burro was modified to permit any method of disposal so long as the remains were not sold for any consideration.

Fourth, individuals maintaining wild horses and burros are required, in accordance with the Senate version of S. 1116, to notify the Secretary and report the number of animals so maintained.

Fifth, the phrase "except for normal and prudent husbandry needs," as contained in the House version of S. 1116, was deleted. Retention of this provision could have substantially weakened the protective provisions of the proposal.

Sixth, the term "harassment" was

adopted in place of "substantial harm" in order to widen the scope of prohibited activities and to assure maximum protection for these animals.

Seventh, with respect to the assessment of fines, the conferees adopted language which provides for trial and sentence by any U.S. commissioner or magistrate designated for that purpose by the court by which he was appointed. This will assure prompt and effective enforcement.

Eighth, the conferees adopted the Senate language which authorizes and directs the Secretary to undertake studies of the habits of wild horses and burros.

Mr. Speaker, the differences between the two bills were never of major significance, and I am pleased to report that I feel the bill we now have is a good piece of legislation, and I heartily endorse its enactment by the House.

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

Mr. Speaker, the gentleman from Pennsylvania and I were the conferees on this side of the aisle and believe this is an excellent bill and deserves unanimous support.

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

Mr. KYL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I wish to congratulate the committee and all who have worked on this legislation and, particularly, to congratulate the gentleman from Nevada, the chairman of the subcommittee, who has put many hard hours of work into this program and who has taken many perilous rides up and down the various canyons across the country.

Mr. Speaker, I have read the report of the conferees on the legislation to protect the remaining wild horses and burros of the west with great interest and I wish to sincerely thank and congratulate all of my colleagues whose efforts and support have brought this bill to this point.

I think that a note of special thanks is due to our colleague, the Honorable WALTER BARING, chairman of the Public Lands Subcommittee and floor manager for this bill. Without Congressman BARING's full support and diligent work, I fear that the few remaining wild horses would soon become extinct through a lack of adequate Federal protection.

As the original sponsor of this legislation in the 92d Congress, I know of the widespread attention and support it has received. Much of its backing came literally from thousands of young people whose deep concern over the part that these wild horses have played in our heritage has in no small way insured its passage.

Approval of this legislation offers clear proof to those young people that the Congress can and will respond to their legitimate concerns.

Again, Mr. Speaker, my thanks to all who have devoted their time and efforts to bring this most important legislation into reality.

Mr. MELCHER. With over 100 Members cosponsoring bills to provide fed-

So the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks during the consideration of the rule, House Resolution 719, making in order the consideration of H.R. 11955.

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

There was no objection.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on H.R. 11955, the supplemental appropriation bill and to include extraneous matter.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Texas?

There was no objection.

eral protection for wild horses on public lands, our Public Lands Subcommittee in the House Interior Committee held extensive hearings involving scores of witnesses from all over the country. A nationwide letter writing campaign involving youngsters and older people had deluged members of the committee stressing the needs of legislation that would preserve for future American generations the sights of wild horse roaming the range.

Of the bills introduced, almost all had a key feature of creating actual refuge areas for wild horses on public lands where they would be unmolested by man. There is one such refuge in the United States now—the Pryor Mountain Wild Horse Range—and it is in Southern Montana with a small portion of its 32,000 acres in Wyoming. It is administered by the Bureau of Land Management and is fenced separately, leaving the 2 to 3 hundred horses considerable space for their roaming. The original proposals in the bills were to create other such ranges on public lands in various parts of the country where needed.

During and following the hearings the cost factor involved in setting up separate ranges seemed to become the dominant issue. The proposals were advanced that the protection be extended to horses on public lands wherever they were found if they could be identified as "wild horses" as defined in the proposed bill. This resulted in a broad bill with a broad definition of "wild horses" with broad coverage upon any public lands of the United States. This is the bill that the House has passed and the Senate has passed and agreed to by conferees. It is legislation difficult to enforce in many of the vast areas of public lands in the United States.

First of all the definition of a "wild horse" in the bill is a "wild, free roaming horse unbranded and unclaimed." There are about 660 million acres of public lands in the United States—about one-third of the total land area. Over half of the two-thirds billion acres is in Alaska and it is not believed that much of the public land in that state will be concerned with this bill. All the wild horses as defined that are on public land comes under the protection of the Secretary of the Interior or the Secretary of Agriculture.

There is no way of identifying the wild horse as being separate and distinct physically from other horses. Some of the testimony before the committee dwelt on the descendants of Andalusian and Barb strains of horses imported by early Spanish explorers. There is an anatomical difference in these horses in the number of lumbar vertebrae and the fusion of the lumbar processes. This anatomical characteristic can only be ascertained by X-ray or by viewing the skeleton following death of the animal. Wild horses as defined in the bill in fact are not in any way necessarily a separate strain of horse, and indeed many of them are strays that have wandered from private herds and have led a wild and free life on their own.

This is not difficult to understand when

one considers that much of the public land is intermingled with private land. In fact, almost 55 million acres of the public land has been acquired by the Federal Government from individuals, States, or other governmental units. Even as recently as the 1930's a great amount of Federal land was acquired through the Bankhead-Jones Act where the Federal Government purchased back marginal lands which are now administered by the Bureau of Land Management. This intermingling of land; that is, land that is both privately and publicly owned, makes also for intermingling of horses, particularly in the West where much of the public land is not fenced separately from the private land.

It was for this very reason that the Pryor Mountain Wild Horse Range was established to assure a sizable herd of wild and free roaming horses the opportunity to remain that way, protected by the BLM. This was a two-way street because the wild horses were no longer bothered and the surrounding citizenry with private lands and their own horses were not bothered by the wild horses. Setting up other areas similar to this range where needed in the country would have avoided much or all of the following problems into which this bill, S. 1116, will lead us.

It would in fact make a lawbreaker out of a good samaritan who drove an injured or sick wild horse into his corral on his own land in order to give aid unless he had prior approval of a Federal agency.

Wild stallions breeding domestic horses poses a problem, but under the bill, without prior approval from the appropriate Federal agency, it would be illegal to even remove the stallion from a pasture on public lands to hold in confinement until a decision could be made as to where the stallion should be allowed to roam on mixed private and public lands that are not fenced separately.

Any disease control necessary for the wild horses would be the responsibility of the Federal agencies as well as determining what to do with the old and the crippled.

It is a big order and we would be better off if we followed the pattern set by the Pryor Mountain Wild Horse Range where the horses are kept separate and under direct control of BLM officials.

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

The previous question was ordered. The conference report was agreed to. A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BARING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on S. 1116.

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

There was no objection.

#### LEGISLATIVE PROGRAM

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

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the majority leader to announce the program for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority whip yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, in response to the gentleman's request, this concludes the business for this week.

We will meet on Monday.

The first order of business is the Consent Calendar to be followed by the following 12 suspensions:

H.R. 45, Institute for Continuing Studies of Juvenile Justice;

Senate Joint Resolution 176, interim extension of certain housing and banking laws;

H.R. 11570, Manpower Training Act amendment;

H.R. 11809, maintaining Postal Service property as Government property in impact areas;

H.R. 9526, naval vessel loans;

H.R. 11624, Transpo 72 authorization;

H.R. 8856, additional Deputy Secretary of Defense;

H.R. 11738, Defense Department Aid to Boy Scouts;

S. 1237, medical care facilities aid;

S. 2887, river basin authorization;

H.R. 10420, marine mammals protection; and

H.R. 10384, recreational development at fish and wildlife areas.

For Tuesday and the balance of the week we have the call of the Private Calendar, followed by S. 2007, the Economic Opportunity Act Conference Report.

This will be followed by the foreign aid appropriation bill, subject to a rule being granted.

Then there is H.R. 1163, Strategic Storable Agricultural Commodities Act, also subject to a rule being granted.

And, finally, H.R. 11309, the Economic Stabilization Act, subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

There are a number of conference reports, including the tax bill, and probably the foreign aid bill which may be called up at any time during the week. It is probable that the tax bill will be called up on Thursday of next week.

Mr. ARENDS. Mr. Speaker, does the gentleman from Louisiana entertain any idea at all that we might finish up next week?

Mr. BOGGS. Well, I entertain an idea, yes.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wonder if it is possible to get a gentleman's agreement here that on Monday next there will be no rollcalls on any business presented prior to 1 p.m.? I make this request because of



the fact of the passing of Mrs. McCormack, the wife of our former dearly beloved Speaker, John W. McCormack.

The funeral arrangements are being made for Monday morning, and there are about 40 Members of Congress, as I understand, who will attend the funeral, and who will not be able to get back to Washington until 1 p.m. on Monday.

So as I say, I was wondering if we can get a gentleman's agreement that there will be no rollcalls prior to 1 p.m.

Mr. ARENDS. Mr. Speaker, just speaking for myself, and I am sure that this is a matter for the leadership to decide on that side of the aisle, but certainly I would be glad to cooperate with any decision that they may reach.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, certainly that would be my hope, and I am sure the hope of the Speaker, to request not to have a quorum call or rollcalls prior to 1 p.m. on Monday. The gentleman from Massachusetts (Mr. BURKE) of course knows the problems that arise. I would say to the gentleman that if a request for a quorum call is made prior to 1 p.m., which I do not anticipate, that we would ask that it be postponed until later in the afternoon.

I would think that we will all be willing to cooperate in this matter in view of the passing of the beloved wife of our former Speaker.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would that be with the assurance of the majority leader that there will be a rollcall even though it might be postponed?

Mr. BOGGS. If the gentleman will yield, there is no question about that.

Mr. GROSS. No question about that?

Mr. BOGGS. None at all.

Mr. GROSS. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, I thank the gentlemen.

#### ADJOURNMENT OVER TO MONDAY, DECEMBER 6, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

#### PHANTOM JETS FOR ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I am honored to have been named as one of the House conferees on the Defense appropriation bill to be discussed by a House-Senate conference committee. One of the major recommendations to be made by us involves the appropriation of \$500 million in military credits for Israel, with \$250 million earmarked for Phantom jet aircraft requested by the Israel Government.

I want to state that I support and will urge approval of the amendment sponsored by Senator Jackson and adopted by the Senate by a vote of 82 to 14 to earmark funds for the Phantom jets for Israel. The issue of maintaining a balance of military power in the Middle East is vital to the security of the entire world and that issue must not be underestimated by the American people or by the Congress. Recent threats by Egypt to renew the war in the Middle East and the continued shipment of bombers and other military equipment to Egypt and her neighboring Arab States have aggravated the tense situation in that area.

I have been disturbed by the lack of factual information being made available to the American public by this administration about the nature of the Soviet support for the Arab States and the nature of the danger to world security. I have also made a number of statements in the House about my deep concern that this administration was bringing about serious misunderstanding about our relations with Israel by bringing undue pressure on Israel to make concession in indirect negotiations for a Mideast settlement. A lasting peace can only come about through direct negotiations which require recognition of the sovereignty of all parties involved.

The amendment before the conference committee takes on special importance in light of the cloud which hangs over the foreign aid bill as this session of the 92d Congress nears an end. Because the foreign aid bill may not be passed this year we must attach the Phantom jet amendment to the Defense appropriation bill to assure that our policy in the Middle East will be clear to all concerned. If the renewal of war in that area of the world is to be prevented, then Israel must remain strong and able to deter an Arab war strategy. That is the best way to ward off the kind of aggression that could involve foreign troops on Israel's territory and bring about another decade of tragic warfare.

Finally, I believe that it is important to remember that a majority of the Members of the House and of the other body have cosponsored previous resolutions urging the President to supply Israel with the Phantom jets requested for her security. For that reason I believe the conferees should approve this amendment to the Defense appropriation bill and earmark funds for that purpose.

#### APPROPRIATIONS FOR WELFARE ASSISTANCE IN THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, the District of Columbia Appropriations Bill will be coming before the House for consideration later today. Most of the public attention thus far has centered on the fate of the Metro subway. But there is another aspect of the bill that could have a devastating effect on poor people in the District of Columbia.

The Appropriations Committee has callously cut out of the District budget \$8,000,000 for welfare assistance in the District of Columbia. I don't believe the committee fully appreciated what this cut will do to poor families in the District of Columbia. The average welfare family in this city receives a benefit of \$203 a month. Most of these payments are for the benefit of young children. Under the committee bill, the payment to these families will be reduced by half to \$102 a month. As the White House Conference on the Aged meets this week in Washington, the committee would cut benefits to the elderly in the District from \$92 a month to \$49. The blind will be cut from \$109 a month to \$58, and the handicapped from \$106 a month to \$56.

Mr. Speaker, I have attempted to be restrained in my actions here in the House, but this action is an outrage against the sensibilities of decent men. It is an outrage against the poor children, the elderly, the blind, and the handicapped who have nowhere else to turn for help.

With these cuts, Mr. Speaker, I can assure you that we may well have children in this city, the seat of government of the wealthiest Nation in the world, dying of starvation. These people live on the fringes of our society at present benefit levels; there is no way that they can continue to exist at the reduced levels proposed by the committee.

If I thought it would do any good, I would ask my colleagues in the House to restore the welfare money to the bill. I have been here long enough to know that this will not happen. I can only hope that commonsense and sanity will prevail in the Senate and the money will be appropriated to avoid these cuts. Common decency demands no less.

#### AIRLINE HIJACKINGS

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

Mr. FASCELL. Mr. Speaker, recently the Washington Post carried a most disturbing Associated Press report about an alleged Cuban conspiracy to hijack airliners.

According to the article, Mr. John Masfield, chairman of the British Government board which controls major airports, yesterday charged that the recent upsurge in airline hijackings can be blamed on a Cuban-based Communist conspiracy. Mr. Masfield made the charge at an International Conference on Airport Security. In his report to the Conference, he charged that Castro in 1966 organized a school for hijackers in Havana.

The House Foreign Affairs Subcommittee on Inter-American Affairs, since the very first hijacking to Cuba, has been following this matter most closely. In 1970, the subcommittee conducted extensive hearings on the hijacking question. While some of the hijackings may have been carried out with the advance knowledge of the Cuban Government, no information has to date been brought to the subcommittee's attention regarding the kind of conspiracy alleged by Mr. Masfield.

Prime Minister Castro now, in fact, has a perfect opportunity to demonstrate to the world that he does not encourage hijackings. Castro can do this immediately by returning to the United States the three escaped murderers who hijacked a plane from New Mexico to Havana last Saturday. These three criminals can not by any stretch of the imagination be considered political refugees. They are killers and should be treated as the outlaws they are.

If Castro does not return these three killers, it will be difficult to escape the conclusion that he is not interested in even beginning to bear the minimum responsibilities of membership in the hemisphere community. Continuance of Cuba's open door policy toward every form of malcontent from the mentally ill to murderers who can, through bluff or threat, commandeer an airliner, can only lead eventually to needless tragedy and death. Castro should avail himself of this opportunity to serve notice on the criminals of the world that they will not find a safe haven in Cuba.

Mr. Speaker, because of the serious nature of Mr. Masfield's charge of a Cuban hijacking conspiracy, I want to assure all my colleagues that the Inter-American Affairs Subcommittee will continue to fully explore this entire question.

#### PUBLIC PROTECTION AGAINST CRIPPLING STRIKES

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

Mr. MONTGOMERY. Mr. Speaker, we need effective legislation to protect the public interest against crippling strikes. It should hardly be necessary to point out the deficiency of current law. We have only to look at the terrible economic plight of American farmers, consumers, and foreign buyers of American goods as a result of the dock strikes this year.

H.R. 3596, or some similar bill, is needed to deal in a positive, equitable and sensible way with the threat—or the reality—of national emergency strikes that arise from time to time in the transportation industry.

Dock strikes are taking a terrible toll in farm income. Last year U.S. agricultural exports hit an alltime high of \$7.8 billion. Mississippi farmers shared in this record export achievement to the tune of \$222 million.

Mississippi ranked second last year in export value of cotton with \$79.2 million.

Our farmers ranked eighth in soybeans with \$62.4 million, fifth in rice exports with \$7.8 million and seventh in poultry with \$2.9 million. The value of Mississippi protein meal exported was \$17.9 million and the soybean oil export value was \$12 million.

The west coast ports were closed in July. They were reopened by Federal injunction after a 100-day stoppage that reduced agricultural shipments through these ports by about \$200 million.

East and gulf ports closed in October. Some have been open part of the time since then. Many have been closed for all that period. Now, court injunctions are causing some of the east and gulf ports to reopen.

But the damage has been largely done already. Perishable farm commodities have rotted and had to be destroyed. Grain and soybeans have suffered millions of dollars of damage because the crops had no way to move into established export markets, and storage alongside docks is not available.

One of the most insidious facets of dock strikes is the effect they have on other segments of the economy. Because ports are closed, loaded barges and trains and trucks back up all the way to the harvest fields. As inland transportation grinds to a halt, domestic markets deteriorate.

It is estimated that closing east coast and gulf ports has reduced the farm value of soybeans as much as 25 cents a bushel, and has reduced corn prices as much as 10 cents a bushel. They are affecting farm exports that normally would amount to \$70 million a week.

Mr. Speaker, I urge immediate action to remedy this situation.

#### TO AMEND LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am introducing, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act.

This act provides workmen's compensation protection to approximately 1 million working men and women subject to Federal jurisdiction. These working people include longshoremen, ship repairmen, harbor workers, and other offshore workers, workers at the U.S. defense bases outside of the United States, and workers employed in private industry in the District of Columbia.

Amendments to the Longshoremen's and Harbor Workers' Compensation Act are long overdue. This act has not been amended since 1961. At that time it was considered one of the outstanding workmen's compensation acts in the Nation. It was, in 1961, a leader in the field of workmen's compensation along with the Federal Employees' Compensation Act. At that time only four State workmen's compensation laws afforded greater protection

to injured workers and their families than this act. Today, however, at least in terms of wage-loss benefits, 20 State laws afford injured workers greater protection than the Longshoremen's and Harbor Workers' Compensation Act.

Congress demonstrated a deep concern for providing adequate workmen's compensation protection for injured American workers and their families in 1966. The amendments to the Federal Employees' Compensation Act Congress enacted at that time supply only to Federal employees. However, the objective of Congress in the matter of workmen's compensation is clear, and this bill to amend the Longshoremen's and Harbor Workers' Compensation Act is consistent with the goals expressed in the 1966 amendments to the Federal Employees' Compensation Act.

The proposed amendments to this act would substantially improve the workmen's compensation protection provided to covered workers and their families, or in cases of fatal work injuries to their surviving dependents. A major provision of this bill would eliminate the present \$70 limit on the maximum weekly compensation benefit available to injured workers. It would also increase the minimum benefit level to reflect changes which have taken place in wage levels throughout the economy since 1961.

This amendment to improve the benefit structure of this act would afford the highly productive high wage workers covered by this program with the protection the Congress originally contemplated. Section 8 of the Longshoremen's and Harbor Workers' Compensation Act specifically provides for the payment of weekly benefits equal to 66⅔ percent of the injured worker's average weekly wage. However, this clearly expressed protection for injured workers and their families has for many years been denied. This denial has resulted from the application of the unrealistic maximum weekly benefit amount stated in section 6 of the act. Other amendments would also modernize and update the benefit structure of the act to provide compensation at the end of a schedule award to make up the difference in the wages earned by an injured worker after his return to work if he is unable to attain his former wage level.

The burial allowance provided in this act is one of the lowest in the Nation; the amendments would raise this benefit to a level that is comparable with other jurisdictions. The disfigurement benefit would not be increased above present levels in the act, but this benefit would be payable for serious injuries to additional areas of the body—presently only disfigurement of the face or head are compensated—which might hinder a worker in efforts to obtain employment. Deputy Commissioners would also be given authority to charge insurance carriers for medical examinations in some cases.

Dependent surviving children would also benefit from the proposed amendments in some cases. The bill provides that surviving dependent children would be entitled to benefits until age 23—presently 18 years—if the child is pursuing a



full-time course of study at an accredited university.

Additional amendments would reduce the retroactive period for benefit payments from 28 days to 14 days. The second injury fund provisions of the act, designed to promote the hiring of the handicapped, would be modernized and strengthened. The employer's liability in second injury cases would be limited to benefit payments of 104 weeks or the existing benefit schedule in the act, whichever is greater; additional benefit payments, if any, would be paid from the second injury fund. The financing of this fund, already established by existing provisions in the act, would be strengthened through increased payments to the second injury fund in non-dependency fatal work injury cases and through assessments against insurance carriers if needed.

The bill would also eliminate a serious inconsistency in the present law. The existing benefit ceiling of \$24,000 applicable to injuries involving temporary total or permanent partial disability would be removed. Monetary limits of this type are inconsistent with the basic goal of workmen's compensation, that is, to provide adequate wage-loss and medical benefits to injured workers during their entire period of disability. It is widely recognized by all major groups interested in workmen's compensation problems that limits of this type can impose extreme hardships upon injured workers and their families in some cases of severe work injuries.

The amendments would also extend the time limits for a worker to notify his employer of his injury and to file a claim. The extension merely provides a reasonable time for the worker to establish a claim after he has knowledge of the relationship between his injury or illness and his work. These changes are designed to recognize the sometimes long delayed manifestation of occupational injury or disease following exposure to the many new hazards being introduced into industry each year.

The bill also provides for the payment of a worker's attorney fee by the carrier in some controverted cases. The amendments also seek to protect the job security of injured workers through the imposition of penalties in the event injured workers are dismissed from employment as a result of their efforts to secure compensation benefits.

Another amendment to the act provides for the annual adjustment of benefits to reflect changes in wage levels. This amendment would only apply to workers that are injured and entitled to receive benefits after this amendment is enacted. The proposal is based upon the same concept embodied in the Federal Employees' Compensation Act with the exception that it does not apply to injured workers receiving benefits prior to its enactment. Under the Federal Employees' Compensation Act, the benefit payments injured workers receive are adjusted to reflect changes in the cost of living. Benefit adjustment for injured workers on the rolls is not a new concept in workmen's compensation. The States of Michigan, Nevada, Ohio, Ore-

gon, and Washington have had provisions of this nature in their laws for a number of years. In 1967, Connecticut amended its law in a manner to adjust benefits similar to the Federal Employees' Compensation Act formula, and in 1968, New York passed legislation to adjust benefits for some individuals on the rolls.

These amendments to the Longshoremen's and Harbor Workers' Compensation Act are sorely needed. They are extremely modest in scope, but they will provide a modern workmen's compensation program for a substantial number of American workers and their families.

#### INDIANA FARMERS SUFFER BECAUSE OF DOCK STRIKE

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

Mr. MYERS. Mr. Speaker, farmers in the Seventh Congressional District of Indiana are well aware of what dock strikes this year are costing them in the form of exports.

Indiana production enjoys a high priority in export circles.

I am sure most of the Members are aware that last fiscal year U.S. farm exports reached a new high. A total of \$7.8 billion worth of farm goods were sold into export channels—about \$6.7 billion worth of them for dollars.

Indiana's share of that tremendous achievement was \$331.6 million worth of commodities. Hoosier farmers ranked ninth in the value of all farm exports last year. They ranked third in the value of soybean exports, also third in protein meal and soybean oil, sixth in feed grains, eighth in meat products. They also exported \$23.9 million worth of wheat and flour.

So when gulf and east coast ports closed in October, Indiana farmers were hurt and hurt badly.

Harvest time was underway. One of the early effects was to choke off any effective transportation between harvest fields and docks. Traders and elevator operators were reluctant to tie up money and storage space with commodities that could not be moved quickly into export channels. Indiana farmers were among those who saw posted prices of soybeans drop 25 cents a bushel, and watched corn prices decline by a dime. Literally millions of dollars are being lost this year by Indiana farmers because of transportation tieups at dockside that reflect all the way back up the transportation routes—river, rail and highway—to the local farm.

I urge consideration of H.R. 3596, or similar legislation, at once to deal with this enormous economic problem.

#### REPRESENTATIVE SKUBITZ INTRODUCES LEGISLATION TO ESTABLISH AGRICULTURAL HALL OF FAME AND NATIONAL CENTER AT BONNER SPRINGS, KANS., AS A NATIONAL CULTURAL PARK

(Mr. SKUBITZ asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, I have today introduced a bill which would establish the Agricultural Hall of Fame and National Center located at Bonner Springs, Kans., as a national cultural park within our system of national parks.

The Agricultural Hall of Fame and National Center was incorporated by act of Congress on August 31, 1960, for the purposes of receiving, maintaining, and using funds for charitable, scientific, literary, and educational purposes; honoring farmers, leaders, teachers, scientists, inventors, and other individuals for their contributions to the advancement of agriculture; perpetuating the memory of such persons and their achievements; fostering and promoting and encouraging a greater sense of the dignity and importance that agriculture has played in the development of our democratic institutions; establishing and maintaining a library and museum for the collection and preservation of the implements of agriculture; cooperating with other organizations with similar interests; and engaging in activity incidental thereto.

Since the time of its incorporation, the Center, although operating with only limited funds, has admirably pursued its objectives. It has acquired 275 acres of land 12 miles west of downtown Kansas City, Kans. On that land it has constructed two exhibit buildings and a third is nearing completion. These buildings house an elaborate collection of farming instruments, machinery, and a library that portrays several generations of the culture that planted, harvested, and created the breadbasket of this Republic. Today, a visitor can and does experience, almost first hand, through that telescopic portrayal, the growth and national importance of agriculture in this country.

In 1970, at its annual meeting, the Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended study of the Agricultural Hall of Fame and National Center with a view toward establishing it as a permanent part of our national park system. In 1971, the Secretary's advisory board determined that the Center meets the criteria for establishment as a national cultural park.

The cultural park concept is relatively new. It cannot be categorized as implementing a single specific national policy such as one of nature preservation, historic preservation, or outdoor recreation. The cultural park concept is intended to implement the preservation and interpretation of a part of our national culture in partnership with private, public, and local entities.

The beginning and evolution of our agricultural heritage is of the utmost national significance. The Agricultural Hall of Fame and National Center has made a significant beginning in acquiring sufficient land and developing adequate facilities to preserve and interpret that culture. The Center is a going concern. It has demonstrated the feasibility of the concept. The assistance of the Federal Government, the expertise of the Na-

tional Park Service and cooperation of State and local government and private citizens, can help assure continued preservation, expansion, and interpretation of this most important part of our national heritage.

#### THE EAST COAST DOCK STRIKE

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

Mr. MIZELL. Mr. Speaker, I rise at this time to bring to the attention of my colleagues a matter of the greatest concern to me and to thousands of farmers in North Carolina's Fifth District and throughout the State.

North Carolina's farmers traditionally do very well, in comparison with other farm States in America, when it comes to the exporting of agricultural commodities.

The farmers of my State rank fifth in the total export value of all U.S. agricultural commodities, with a fiscal 1971 export value of \$431.6 million.

North Carolina farmers ranked first in the value of tobacco exports in 1971, with \$324.8 million, and third in the value of poultry exports with \$4.9 million. Farmers in the Tarheel State exported \$23.4 million worth of soybeans, \$14.6 million worth of feed grains, \$7.7 million worth of cotton, and \$6.3 million worth of wheat in fiscal 1971.

The current fiscal year will present a strikingly and dangerously different picture. The reason is simple and obvious—the east coast dock strike.

The closing of those eastern ports effectively sealed off the North Carolina farmer from his foreign markets for many weeks.

When the strike was halted by court order, following President Nixon's decision to invoke the Taft-Hartley Act, 62.9 million pounds of tobacco were awaiting shipment at North Carolina ports.

Only 4 million pounds of tobacco went out during the month of October 1971, compared with 57 million pounds during the same month in 1970.

Fortunately, tobacco is basically non-perishable, but other agricultural commodities are not, and millions of dollars worth of goods were wasted by the prolonged dock strike.

Significant damage was also inflicted on the U.S. reputation as a reliable trading partner and on our already critical balance-of-payments situation.

The Taft-Hartley provisions now in effect call for resumption of work for an 80-day period, but at the end of that period, there is no guarantee that the dock situation will be much improved.

Legislation which seeks to deal fairly but effectively with this kind of protracted labor-management dispute—the kind that can have such a disastrous effect on the economy and the public welfare—was introduced months ago, but no action has been taken on it, and we continue to move from one crisis to another in a sense of desperation and in disarray.

What we obviously need is a compre-

hensive, legislative plan to deal with these emergencies before they become national crises. The first step toward completion of that plan was taken months ago, when the Emergency Public Interest Protection Act was first introduced.

The second step should be to give this bill active consideration and to do our best to enact the best possible legislation, using this bill as a foundation on which to build.

That second step should be taken now, and that legislation should be written in such a way that it protects not only the worker and the exporting companies, but also the American consumer.

The final step, and one that should be taken at the earliest possible date, is the enactment of this legislation, thus giving this arbitration plan the force of law and giving the American people insurance against economic disaster.

I will continue to promote this kind of sound, fair, and effective legislation.

#### OLDER AMERICANS ACT AMENDMENTS OF 1972

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

Mr. BRADEMAS. Mr. Speaker, today, December 2, 1971, marks the conclusion of the White House Conference on Aging.

Clearly, one of the principal themes running through the discussions at the Conference here in the Nation's Capital this week has been the need for a national commitment to action on behalf of the older citizens of America as distinguished from the passage of resolutions and the making of speeches.

As chairman of the Select Education Subcommittee of the House Committee on Education and Labor, the subcommittee with jurisdiction over the Older Americans Act of 1965, I am pleased today to introduce on behalf of myself and nine other members of the committee, a bill that can mean just that—action for the aging—through a wide range of services for the 20 million citizens of the United States who are 65 and over.

This bill—the Older Americans Act Amendments of 1972—is aimed at providing comprehensive services for the elderly, including nutrition, transportation, preretirement training, health, and expanded work opportunities.

In addition, Mr. Speaker, the legislation would mean a considerably strengthened role of the Administration on Aging, authorized in 1965 under the Older Americans Act, in the Department of Health, Education, and Welfare.

Mr. Speaker, the measure my colleagues and I are today introducing would also provide effective coordination of Federal aging programs, expanded services under the Older Americans Act, and an improved system of delivering services to older citizens.

Finally, Mr. Speaker, this comprehensive older American services bill would authorize the establishment of multipurpose senior citizen community centers, a new National Information and Resource Center on the Aging to make

available data on programs affecting the aging, and a new Gerontological Research Center to study the biological aspects of the aging process.

The Select Education Subcommittee has already this year conducted hearings on comprehensive social services for the aging in Washington, D.C., Chicago, New York City, and Boston, and I anticipate that our subcommittee will continue these hearings in the second session of the 92d Congress.

Mr. Speaker, the time for action for America's aging is now, and I am indeed pleased to list the following members of the Committee on Education and Labor who are sponsoring the Older Americans Act Amendments of 1972. It is our common hope that this proposal will result not in words but in deeds for the older citizens of the United States.

Sponsors of the bill are: JOHN BRADEMAMAS, of Indiana; CARL D. PERKINS, of Kentucky; PATSY T. MINK, of Hawaii; LLOYD MEEDS, of Washington; JAMES H. SCHEUER, of New York; JOSEPH M. GAYDOS, of Pennsylvania; WILLIAM "BILL" CLAY, of Missouri; SHIRLEY CHISHOLM, of New York; ELLA T. GRASSO, of Connecticut; and JOHN H. DENT, of Pennsylvania.

#### TEXT OF THE OLDER AMERICANS ACT AMENDMENTS OF 1972

Mr. Speaker, at this point in the RECORD I insert the text of the Older Americans Act Amendments of 1972:

#### H.R. —

A bill to strengthen and improve the Older Americans Act of 1965

*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 "Older Americans Act Amendments of 1972".*

#### FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that millions of older citizens, particularly those over sixty-five years of age, in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to citizens with special needs in planning such programs, and, pending the availability of such programs for all citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will deliver a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of parents, community, and State and local governments, with appropriate assistance from the Federal Government.

(b) Section 101(8) of the Older Americans Act of 1965 (hereinafter referred to as "the Act") is amended by inserting after "services" the following: ", including access to low-cost transportation."

#### EXTENSION OF PROGRAMS

SEC. 3. (a) Section 301 of the Act is amended by striking out "and" after "1971," and inserting after "1972" the following: ",



\$150,000,000 for the fiscal year ending June 30, 1973, \$200,000,000 for the fiscal year ending June 30, 1974, and \$250,000,000 for the fiscal year ending June 30, 1975."

(b) Section 305(b) of the Act is amended by striking out "and" after "1970," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(c) Section 603 of the Act is amended by striking out "and" after "1971," and by inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(d) Section 614 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(e) Section 703 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

#### AMENDMENTS TO TITLE II

SEC. 4. (a) Section 201(b) of the Act is amended by adding at the end thereof the following: "The Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that department. The Commissioner on Aging shall not delegate any of his functions to any other officer who is not directly responsible to him."

(b) (1) Section 202 of the Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities related to the purpose of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local) and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) call conferences of such authorities and officials of public (including Federal, State, and local) and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Secretary deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities related to the purposes of this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act with particular attention to the impact of medicare and medicaid, the Age Discrimination Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for the older people;

"(15) serve as a clearing house for applications for Federal assistance to private nonprofit agencies and institutions for the establishment and operation by them of pro-

grams and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202(4) of the Act is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and carry out programs designed to meet the needs of older persons for social security, including nutritional training, retirement training, continuing education, and health services;"

(c) Title II of the Act is amended by adding at the end thereof the following new section:

#### "FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs related to the purpose of this Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out."

#### AMENDMENTS TO TITLE III

SEC. 5. Title III of the Act is amended by adding at the end thereof the following:

#### "ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 307. (a) Applications under this title including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate services for the elderly, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owners from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and

organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the applicant from whose financial assistance the loan was made, or used for additional loans or grants under this Act."

#### "NATIONAL INFORMATION AND RESOURCE CENTER FOR THE AGING"

SEC. 204. (a) There is hereby established within the Administration on Aging, a National Information and Resource Center for the Aging (hereinafter referred to as the "Center"). The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by aging, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting older individuals and organizations and persons interested in the welfare of older persons, in meeting problems which are peculiar to, or are made more difficult for, older individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

"(1) medical and rehabilitation facilities and services, including Medicare, Medicaid, and other programs operating under the Social Security Act;

"(2) education;

"(3) vocational training;

"(4) employment;

"(5) transportation;

"(6) architecture and housing (including household appliances and equipment);

"(7) recreation; and

"(8) public or private programs established for, or which may be used in, solving problems of older persons.

"(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

"(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

"(3) The Secretary shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

"(d) There is authorized to be appropriated for carrying out this section for the fiscal year ending June 30, 1973, and for each succeeding fiscal year ending before June 30, 1975, such sums as may be necessary."

#### AMENDMENTS TO TITLE IV

SEC. 6. Title IV of the Act is amended by redesignating sections 401 and 402 as sections 451 and 452, respectively, by striking out "title" each time it appears and inserting in lieu thereof "part", and by striking out the center heading of the title and inserting in lieu thereof the following:

#### "TITLE IV—RESEARCH AND DEVELOPMENT

#### "PART A—GERONTOLOGICAL RESEARCH PLAN

#### "ESTABLISHMENT OF GERONTOLOGICAL RESEARCH CENTER

"SEC. 401. (a) For the purposes of developing a coordinated national program for re-

search on the biological aspects of aging, there is hereby established an independent agency to be known as the Gerontological Research Center (hereinafter referred to as the "Center"). The Center shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

"(b) The Center shall be headed by a Board which shall be composed of five members appointed by the President. Two members of the Board shall be biological scientists, one shall be a behavioral scientist, one shall be an administrator, and one shall be a physician. Each person nominated and appointed shall, as a result of his training, experience, and administering, be especially qualified to formulate and appraise programs and activities related to the biological aspects of aging.

"(c) The President shall designate one of the members of the Board to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

"(d) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Board shall not affect its powers, and three members of the Board shall constitute a quorum.

#### "FUNCTIONS OF THE BOARD

"Sec. 402. (a) The Board shall be responsible for preparing a program, to be known as the gerontological research plan, designed to promote and conduct intensive coordinated research in the biological origins of aging on a continuing basis.

"(b) The Board shall carry out the following duties:

"(1) the collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

"(2) the appraisal of programs and activities related to the biological aspects of aging;

"(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging;

"(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging; and

"(5) conduct research in the biological aspects of aging.

#### "BOARD STAFF

"Sec. 403. (a) The Board is authorized to employ such officers and employees as may be necessary to carry out its functions under this part.

(b) The Board is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed \$100 per diem.

#### "POWERS OF BOARD

"Sec. 404. To carry out this part, the Board shall have the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organizations and personnel;

"(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Board may determine to be required by it to carry out its duties;

"(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this part;

"(d) to enter into contracts or other arrangements, or modifications thereof, with

State and local governments, and institutions and individuals in the United States, to conduct programs the Board deems necessary to carry out the purposes of this part, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

"(e) to make advance, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(f) to receive money and other property donated, bequeathed, or devised to the Board, without condition or restriction other than that it be used for the purposes of the Board;

"(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them of travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

"(h) to make any other expenditures necessary to carry out his part.

#### "PART B—RESEARCH AND DEVELOPMENT PROJECTS."

##### PRERETIREMENT PROGRAMS

Sec. 7. Title V of the Act is amended by (1) changing the title to read, "TRAINING," (2) redesignating section 503 as section 504, and (3) by inserting the following new section:

##### "PRERETIREMENT PROGRAMS

"Sec. 503. For the purpose of easing the frequently difficult social and economic adjustments which must be made at some time by most Americans as they pass from the highly productive period of the middle years to the new retirement status of the older citizen, and to assist them in achieving health and dignity in retirement living, the Secretary is authorized—

"(a) to develop and operate, in cooperation with any public or nonprofit private agency, organization, or institution, preretirement programs providing education, information, and relevant services to persons planning retirement;

"(b) to collect and disseminate, through publications and other appropriate means, information concerning research, studies, findings, and other materials developed in connection with activities under this section; and

"(c) to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for the evaluation of preretirement programs, the training of personnel to carry out such programs, and the conduct of research with respect to the development and operation of such programs."

##### SPECIAL IMPACT PROGRAMS

Sec. 8. (a) The Act is amended by redesignating title VII as title VIII, by redesignating sections 701 through 703 and references thereto as sections 801 through 803, respectively, and by inserting after title VI the following new title:

#### "TITLE VII—SPECIAL IMPACT PROGRAMS

##### "PART A—SERVICE ROLES IN RETIREMENT

##### "GRANTS AND CONTRACTS FOR SERVICE PROJECTS

"Sec. 701. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of programs designed to provide opportunities for persons aged sixty or over to render public service.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previous made overpayments

or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

##### "CONDITIONS OF GRANTS AND CONTRACTS

"Sec. 702. The Secretary shall not make any grant or enter into any contract under this part unless the grant application or contract proposal—

"(1) has been submitted by, or has been submitted for review and recommendations to, the State agency (if any) established or designated as provided in section 303(a)(1);

"(2) provides for the use of unpaid, volunteer services, if available; and

"(3) provides that the program will not result in the displacement of employed workers or impair existing contracts for services.

##### "INTERAGENCY COOPERATION

"Sec. 703. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this part with such other programs and shall promote the coordination of programs under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of older persons whose services may be utilized in programs under this part.

##### "APPROPRIATIONS AUTHORIZED

"Sec. 704. Such sums as may be necessary are authorized to be appropriated for grants or contracts under this part for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975.

#### "PART B—NUTRITIONAL SERVICES FOR OLDER AMERICANS

##### "AUTHORIZATION OF APPROPRIATIONS; GRANTS FOR NUTRITIONAL SERVICES FOR OLDER AMERICANS

"Sec. 711. For the purpose of improving the nutritional level of older persons, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975. Sums made available under this section shall be utilized by the Secretary to make grants to any State which has in effect a State plan approved under section 303, to assist (as provided in this part) in the planning, establishment, and operation of a program designed to meet the dietary needs of older persons, particularly those of low or moderate income. Such a program shall provide for the establishment and operation in the State of projects providing such services as—

"(1) hot, nutritionally balanced meals for older persons in multipurpose senior centers, in neighborhood centers, and in residential housing for persons of low or middle income;

"(2) home delivered meals for individuals requiring such services because they are homebound or disabled or for other health reasons; and

"(3) nutritional counseling, information, and education for older persons.

##### "ALLOTMENTS

"Sec. 712. (a) Not to exceed 1 per centum or \$200,000, whichever is larger, of the sum appropriated for any fiscal year under section 711 may be reserved by the Secretary for evaluation (directly or by grants or contracts) of programs assisted under this part.

"(b) (1) From the sum appropriated for any fiscal year under section 711, (A) the Virgin Islands, Guam, and American Samoa shall be allotted an amount equal to one-



half of 1 per centum of such sum, and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder (as determined after application of subsection (a) and paragraph (1) of this subsection) of the sum so appropriated each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

"(3) A State's allotment for a fiscal year for programs assisted under this part shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required for carrying out the purposes of section 711 shall be available for reallocation, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out such purposes for sums in excess of those previously allotted to them under this section, and (2) will be able to use such excess amounts during such fiscal year. Such reallocations shall be made on the basis of the State plans approved under section 303, after taking into consideration the population aged sixty or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (b).

"(d) The allotment of any State under subsection (b) for any fiscal year shall be available for grants to pay not exceeding 90 per centum of the cost of planning, establishing, and operating programs assisted under this part which are approved by the Secretary prior to the end of such year.

#### "USE OF ALLOTTED FUNDS

"SEC. 613. Funds allotted to any State under this part may be used for (1) the administration of projects described in section 701 directly by the State agency established or designated as provided in section 303(a) (1), or (2) the award, in accordance with criteria established by the Secretary after consultation with such State agencies, by such State agency of grants or contracts to any public or nonprofit private agencies or organizations for the administration of such programs by such agencies or organizations.

"(c) In allocating funds received under this part, the State agency shall give preference to programs to be established in geographic areas or in institutions having a higher concentration of older persons of low income.

#### "PAYMENTS

"SEC. 714. Payments under this part may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

#### "TREATMENT OF NUTRITIONAL SERVICES FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"SEC. 715. Notwithstanding the provisions of titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, services or other assistance provided to any older persons pursuant to this part or pursuant to any grant made under this part shall not be regarded (1) as income or resources of such person in determining his need under a State plan approved under any such title, or (2) as income or resources of any other individual under such approved State plan.

#### "REGULATIONS

"SEC. 716. (a) The Secretary, after consultation with the Department of Agriculture with respect to standards relating to

food distribution, handling, and storage and equipment used for food distribution, handling, and storage and with respect to the incorporation of the results of tested nutritional research in the operation of projects assisted under this part, shall prescribe general regulations concerning the determination of eligible costs with respect to which grants may be made under this part and the terms and conditions for approving such grants.

#### "PART C—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

##### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 721. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975, for grants by the Secretary to public and nonprofit private agencies and organizations to pay not to exceed 75 per centum of the cost of construction of multipurpose senior centers, except that the total of such grants in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for that year for purposes of carrying out this part.

##### "REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 722. (a) A grant under this part may be made only if the application therefor is approved by the Secretary upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants under this part, the Secretary shall—

"(1) give preference to the construction of multipurpose senior centers in areas covered by approved comprehensive city programs assisted under the provisions of section 105 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

#### "PAYMENTS

"SEC. 723. Upon approval of any application for a grant under this part, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of

the estimated cost of construction of the facility.

#### "RECAPTURE OF PAYMENTS

"SEC. 724. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated).

#### "MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 725. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if

any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(6) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

#### "DEFINITIONS

"SEC. 726. For purposes of this part—  
"(1) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) The term 'construction' includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

"(3) The term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

#### "PART D—TRANSPORTATION SERVICES FOR OLDER AMERICANS

##### "PROGRAM AUTHORIZED

"SEC. 731. The Secretary, after an appropriate investigation and study, shall develop and carry out a program to improve the transportation services available to older persons. Such programs may include one or more of the following:

"(1) special transportation subsystems for older persons or similar groups with similar mobility restrictions;

"(2) portal-to-portal service and demand actuated services;

"(3) the payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis.

"(4) payments directly to older persons to enable them to obtain reasonable and necessary transportation services; and

"(5) any other program which the Secretary determines shows promise of facilitating the provision of transportation services to older persons.

##### "APPROPRIATIONS AUTHORIZED

"SEC. 732. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part.

#### "PART E—CONTINUING EDUCATION FOR OLDER PERSONS

##### "PROGRAMS AUTHORIZED

"SEC. 741. (a) The Secretary, after appropriate investigation and study, shall develop and carry out a program for providing continuing education to older persons. Such programs may include one or more of the following:

"(1) programs to provide rehabilitation for older persons to enable them to lead more productive lives,

"(2) programs designed to retrain persons who are shifting to new employment by reason of age or other conditions,

"(3) programs to upgrade the skills of older persons to enable them to obtain more rewarding employment, and

"(4) programs designed to broaden the educational, cultural, or social awareness of such older persons so that they will be better able to lead more productive and rewarding lives in retirement.

"(b) The Secretary may carry out the program provided for in this part through grants or contracts with public and private agencies, including other Federal agencies, State educational agencies, local education agencies, the vocational educational agencies of the States, the vocational rehabilitation agencies of the States.

##### "APPROPRIATIONS AUTHORIZED

"SEC. 742. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part."

#### A REPORT TO THE DELEGATES FROM THE CONFERENCE SECTIONS AND SPECIAL CONCERNS SESSIONS

Mr. Speaker, perhaps the most recent evidence of the need for congressional action on the legislation my colleagues and I today have introduced is the "Report to the Delegates from the Conference Sections and Special Concerns Sessions."

This report, which was released only today, is well worth the most careful consideration of every Member of the House and Senate.

Because of the importance of the report and of its timeliness, I insert at this point in the RECORD the full text.

#### 1971 WHITE HOUSE CONFERENCE ON AGING—REPORTS OF THE SPECIAL CONCERNS SESSIONS, NOVEMBER 28—DECEMBER 2, 1971

##### EDUCATION

##### Preamble

Education is a basic right for all persons of all age groups. It is continuous and henceforth one of the ways of enabling older people to have a full and meaningful life, and as a means of helping them develop their potential as a resource for the betterment of society.

##### Bilingual and ethnic concerns

All issues and recommendations which will affect or serve linguistically/culturally different populations must enlist the necessary linguistically/culturally different qualified expertise in the development processes of such proposals so as to insure that all programs designed for the elderly will result in maximum utilization and participation of the constituents in question.

Particularly urgent are Federal, State and local funds for bilingual/bicultural education to the non-English speaking elderly pertaining to instructions relating to the requirements of Federal, State and local government agencies, i.e. gaining citizenship,



applying for social security, housing applications, etc.

#### *Expansion of educational programs*

Education for older persons should be conducted either apart from or integrated with other groups according to their specific needs and choices. Where feasible and desirable the aged must be granted the opportunity to take advantage of existing programs with both old and young learning from each other. However, alternatives must be provided which emphasize the felt needs of the aged at their particular stage in the life cycle.

The expansion of adult educational programs having a demonstrated record of success should receive higher priority with due consideration being given to experimental and innovative programs.

Educational opportunities must be afforded all older persons, with special effort made to reach those who, because of low income, poor health, social circumstances or ethnic status are less likely to respond voluntarily. Outreach programs should use all appropriate channels and delivery systems.

For older persons to participate in educational programs; agencies, organizations; and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistence, auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.

Public libraries serve to support the cultural, informational and recreational aspirations of all residents at many community levels. Since older adults are increasingly advocating and participating in lifetime education, we recommend that the public library, because of its nearby neighborhood character be strengthened and used as a primary community learning resource. Adequate and specific funding for this purpose must be forthcoming from all levels of government and most importantly from private philanthropy.

We recommend further that the Library Services and Construction Act be amended to include an additional title to provide library services for the older persons.

Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure." Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

#### *Funding programs*

Money and manpower for educational opportunities must have high priority throughout all services offered to older persons by any approved public or private agency or organization in order to assure continued, meaningful living.

Educational opportunities must include basic, continuing, vocational education, and training about needs for better use of services, cultural enrichment, and more successful adjustment to aging.

#### *Majority or plurality policy proposal*

Public expenditures for education for older persons must be increased and directly related to the proportion of older persons within the population. These expenditures should relate to the needs articulated by all segments of the population of older persons including rural and urban and ethnic minorities or by the organizations that represent older persons.

Available facilities, manpower and funds must be used for educational programs designed and offered on the basis of the assessed needs and interests of older persons.

The initiative may be taken by many sources, but the design and curriculum must include active participation by older persons.

The Federal Government must consider the concerns of educational programs of older persons in a greater equity of allotment and on a higher priority basis when allocating funds for educational programs.

Where matching funds are required for Federal education programs aimed to assist older persons, it is recommended that the life long contributions toward building this country by the now elderly be considered as suitable compensation in lieu of "matching funds."

#### *Increasing influence of older persons*

Education should place emphasis on instruction to help the older persons understand issues, procedures and action in regard to political processes to enable them to meet more effectively and quickly their special needs as individuals or as a group.

#### *Materials, methods, and curriculum*

Appropriate materials and methods about all aspect of aging, must be developed and introduced in the curricula at all levels of education from pre-school through higher education.

#### *Mass media*

A national awareness campaign must be initiated through mass media and through educational systems to promote better understanding by society of the nature of the aging process, the needs and interests of older people, and the positive contributions and potentially untapped resources of older persons.

All educational resources must be pressed into service for the needed leadership in the preparation and implementation of (a) leadership training, (b) teacher training, (c) curricula and (d) teaching materials for focusing on the critical educational needs of the older persons in America.

#### *Preretirement*

Preretirement education programs must be established to help those approaching retirement age to achieve greater satisfaction and fulfillment in later years. Pre-retirement education must be the primary responsibility of the public education sector in cooperation with relevant community organizations in the areas of industry, labor, all levels of government, voluntary service and private associations.

#### *Professional preparation*

We urge that institutions of higher learning provide opportunities for special professional preparation of those who will and are working with older persons (law, medicine, social work, recreation, education.) More attention must also be given to workshops, institutes, and in-service education for those who now work with older adults.

#### *Status of Administration on Aging*

To implement the educational policies growing out of the 1971 White House Conference on Aging, the Administration on Aging must be accorded status and financing appropriate to the task and must be made an independent agency within the Department of HEW as provided for in the Older Americans Act of 1965.

Primary responsibility for the initiation, support and conduct of education programs for older persons must be vested in the existing educational system, Federal, State and local with active participation and cooperation of specialized agencies. A Division of Education for Aging should be established in the Office of Education immediately, to initiate supportive educational services for the aging. Similarly, all State departments of education should designate full-time responsibility to key staff for the development and implementation of programs in education for aging.

#### EMPLOYMENT AND RETIREMENT

Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Many barriers hamper older Americans in exercising this choice in allotting their time and talents and deprive our Nation of the highest use of their knowledge, skills, and potentialities. They include: Compulsory retirement on reaching a particular birthday, regardless of their ability to work; lack of information and counseling on retirement problems and job opportunities; lack of placement and counseling personnel equipped to deal with their special problems; under-representation in education, training, rehabilitation, and other manpower programs; continuing discrimination in employment practices despite Federal and State legislation; and forced retirement resulting from long unemployment as an increasing number of workers lose their jobs in their fifties when plants shut down or technological changes make their skills obsolete.

The unemployment and underemployment of workers in the age group 45-65 seriously jeopardize their retirement prospects. For this reason, consideration of the present employment and future retirement problems of this age group as well as those over 65 was included in arriving at our policy recommendations. These are offered in the hope that they will lead to actions that advance our Nation toward our long established goals relating to the employment and retirement of older Americans.

Employment of older workers is a vital part of our national problem of attaining full employment. Older workers are especially disadvantaged in competition for jobs in the labor market. Their problems cannot be met adequately at the State and local level or through the financial instrument of revenue sharing. Strong Federal leadership and financing are required.

#### *Larger and earmarked manpower funds*

The Nation's present manpower programs fail to take adequate account of the unemployment problems of older people. Experience proves that adequate funds must be earmarked to improve employment opportunities for older workers.

In order to achieve a more equitable distribution of services to all age groups, Federal, State and local manpower programs should expand their services and provide more job recruitment, training, counseling, and placement services for older workers.

It is imperative that adequate funds based on population ratio, needs, and special circumstances be earmarked for special employment programs for older people. Aggressive efforts should be made to monitor effectively the use of such earmarked funds.

#### *Immediate steps to end discrimination*

We now have legislation designed to eliminate age discrimination in employment, but more vigorous enforcement is needed.

Federal, State and local governments should strictly enforce protective and anti-discriminatory laws and policies regarding employment opportunities, with the elimination of the age limit of 65 in age discrimination legislation. The Age Discrimination Act of 1967 should be expanded to cover all employees in both private and public sectors. There should be a governmentally sponsored public relations and educational effort designed to induce employers voluntarily to hire more older workers.

#### *Public service employment*

Even improved manpower policies may not result in adequate employment opportunities for those willing and able to work.

It is the responsibility of the Government

to assume the role of "employer of last resort" to provide meaningful and socially needed employment opportunities for those older workers willing and able to work, if all other programs fail to produce such results.

A minority favored expanded and innovative programs to meet employment needs of older persons, but questioned the concept of Government serving as "employer of last resort."

#### *A flexible retirement age*

Our society presently equates employability with chronological age rather than with ability to perform the job.

Chronological age should not be the sole criterion for retirement. A flexible policy should be adopted based upon the worker's desires and needs and upon his physical and mental capacity. Policies and programs that provide employment opportunities after age 65 must be made available.

Realistic opportunities for retirement earlier than age 65 must be provided. Employers should be encouraged to adopt flexible policies, such as gradual or trial retirement.

#### *The need for new policies*

Existing policies fail to protect the worker who is forced to retire prematurely or who is unprotected by a pension plan.

New national policies and publicly and privately supported programs are needed to help workers who are forced to retire before the normal retirement age because of health problems or job displacement caused by technological changes or jobs requiring early-age retirement. New programs should be vested generally in existing agencies that have responsibility for dealing with these problems.

There should be created a continuously funded program by the Federal Government especially designed to maintain economic security for middle-aged and older workers during their period of transition from prematurely forced unemployment into suitable employment or retirement. During this period, a major objective would be to retrain and educate the unemployed to assure re-employability or to assist in mobilizing resources to assure a meaningful retirement.

All workers should be guaranteed a retirement income adequate to maintain a decent standard of living above the poverty level. Legislation must be enacted as soon as possible requiring early vesting, adequate funding and portability of pensions and to provide for Federal insurance for pensions.

#### *Preretirement preparation*

Too many individuals fail to plan for retirement or plan too late.

Preretirement education and counseling should be provided locally throughout the Nation by trained instructors, starting at least five years before normal retirement age. Information on problems and opportunities involved in retirement should be included in family living and other pertinent course at all educational levels.

Government at all levels, employers, unions, and educational institutions (especially through adult education agencies, the use of television) should encourage and promote preretirement counseling by trained instructors. Special courses for those nearing retirement are urgently needed.

#### *Social security retirement test*

The earnings tests that results in withholding of social security benefits constitutes a financial hardship for older people.

The retirement test should allow persons to receive social security benefits without reduction up to the point where the total of social security plus earnings equals \$5,000/yr. In no case should benefits be reduced for persons earning under \$1,680.

#### *Social security benefits*

An immediate 25 percent increase in social security benefits was recommended, with a \$150 minimum per month.

#### *Need for fixed responsibility*

A major overriding problem connected with the Administration of Employment and Retirement Policies is the lack of fixed responsibility by any single agency and lack of coordination by any single agency. The President should establish an office on aging within his executive office by executive order until Congress amends the Older American Act of 1965 to create a Department of Aging at cabinet level status.

A National Pension Commission with a Governing Board of management, labor and public representatives should be established to encourage the expansion and the improvement of pension plans with particular reference to: flexible retirement ages, liberal (early) vesting and portability, adequate funding, more general coverage, and job redesign.

A National "job bank" should be computerized by the Department of Labor to meet employer requirements. The "job bank" now being computerized should include job opportunities for retirees (including those in rural and small communities) who should be encouraged to register with the U.S. Employment Service.

The Federal Government shall develop a program for, and provide financing for, the establishment of local centers for the purpose of locating and bringing together older persons and potential employers on both a full-time and part-time basis. Federal funds will be channeled through the various State administrations on Aging who will be responsible for approving applications for the establishment and financing of such centers by public and private agencies, and for the supervision of their operation.

#### *Other recommendations*

A number of other recommendations will appear in full report on the Section's work. For example, the special problems of certain groups of older workers were dealt with in the following:

For the Marianna Islands, a study should be made of the aged and how to alleviate their problems, especially of employment. A vocational instructor in a workshop to train older persons in nature crafts for sale to tourists is needed.

For all minorities, rural residents, migrants, and employees of small business Congress should enact a compulsory, universal and national portable pension plan administered through Social Security, (with tax advantages for the employer and the self-employed) to provide for those not normally covered by other pension plans.

#### PHYSICAL AND MENTAL HEALTH

##### *Preamble*

We, the delegates to the physical and mental health section of the 1971 White House Conference on Aging, assert that the U.S.A. must guarantee to all its older people health care as a basic right and a quality of life consistent with that which our nation should assure to this group who have made invaluable contributions to its development. In order to assure that quality of life, a basic requirement is the availability of a comprehensive system of appropriate health care.

A comprehensive system of appropriate health care requires that the full spectrum of presently known services be readily accessible. These must be of high quality and be delivered in the appropriate setting and at the appropriate time with concern for the dignity and choice of the individual and within a framework which guarantees coordination among the various levels of care, continuity of care over time, and the efficiency and effectiveness which will assure supportable costs.

To be comprehensive and systematic this health care must provide:

- Assessment of health;
- Education to preserve health;

- Appropriate preventive and outreach services;

- All physical, mental, social and supportive services necessary to maintain or restore health;

- Rehabilitation; and

- Maintenance and long-term care when disability occurs.

To be specifically responsive to the needs of the elderly, special attention must be given to the availability and quality of long-term care and to the development of adequate, appropriate alternatives to institutional care.

Community and consumer participation in the planning and delivery of such a system of services will tend to assure the responsiveness of the system to locally defined community need and the appropriate use of health manpower, facilities and financing.

The health section recognizes that, although the aged represent a minority, within this minority there are special problems experienced by racial and ethnic groups. Within the special concern expressed for the problems of the aged, particular attention must be accorded to make sure that these minorities are not doubly jeopardized.

In support of these basic premises the physical and mental health section submits the following policy proposals:

#### PHYSICAL AND MENTAL HEALTH

- Health care for the aging must be provided as an integral part of a coordinated system that provides comprehensive health services to the total population; but immediate and special consideration and emphasis must be given to the problems of, and services for, the aging.

- A coordinated delivery system for comprehensive health services must be developed, legislated, and financed to ensure continuity of both short and long term care for the aged.

- A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan. Pending the achievement of such a National Health Plan, the complete range of health care services for the elderly must be provided by expanding the legislation and financing of Medicare. Such expanded financing should be accomplished by means of a combination of Social Security Trust funds with a greatly expanded use of general revenues. Such expansion of Medicare should include elimination of deductibles, coinsurance and copayment, and all provisions discriminatory to the mentally ill as well as the establishment of congruent ages for Medicare and Social Security benefit eligibility. Both the immediate expansion of the current program and a future National Health Plan should provide for a public/private partnership in the delivery of services and for Federal financing and quality controls in order to assure uniform benefits and uniform application of the standards of quality. Centralized responsibility for standards and controls over health facilities and services must be combined with protection, for the patient and provider, from arbitrary, capricious, and varied application and interpretation of existing as well as new standards.

#### *Minority report*

75 delegates opposed the Section's action eliminating the combination of Medicare and Medicaid expansion (through legislation and financing) as an alternate to expansion of Medicare only to achieve a comprehensive health care plan.

A minority expressed interest in having the section propose eliminating private insurance carriers as intermediaries in the Medicare program by submitting the following recommendation from the floor:

The fiscal aspects of the Medicare program should be administered by the Federal Government rather than by the private insurance carriers as intermediaries.



## PHYSICAL AND MENTAL HEALTH

4. A continuing national program for education of all persons should be provided about the specific physical, mental, and social aspects of aging. Educational programs should be addressed to all ages and should include all stages of development so that the different age groups will better understand each other. Information on all aspects of aging should be included in educational courses at all levels. The aged themselves should be among those recruited, trained, and utilized in carrying out these programs.

5. Emphasis should be placed on including curricula or course contents on physical, mental and social aspects of aging in secondary schools, undergraduate and graduate professional education, and in in-service training and continuing education of health personnel. The development of specialists in the care of the elderly should also receive emphasis, especially with the view of developing professional, allied health professional, and other health personnel selected and trained to give compassionate and expert care to the aged. Funds must be provided to ensure the development of such programs as well as increase the supply of health manpower of all kinds.

6. The aging will best be served if available funds are divided among services, research, and education. Emphasis should be placed on funding of direct services but not to the exclusion of research and education which should receive a reasonable proportion of total resources available. Research findings now available should be assembled, coordinated, and incorporated into service programs.

Specific attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities.

7. A center for aging should be established in the National Institute of Mental Health to meet the responsibilities for more research and training in the field of mental health of the elderly.

## PHYSICAL AND MENTAL HEALTH

8. The President and Congress should authorize the appointment of a Commission on Aging, including a Committee on Mental Health of the Elderly, comprised of representatives from concerned Federal agencies, national organizations, Congress, and the judiciary, and private citizens to study, evaluate, and recommend a comprehensive set of policies for the Federal Government, the several States, and local communities to pursue in this vital area.

9. Congress should appoint a nationwide interdisciplinary committee to determine the scope and type of *intervention procedures* and *protective services* that would clearly protect the rights of the individual with health, mental health, and emotional problems requiring care. The rights of his immediate family and other close associates should be considered. This committee should include representatives of the religious, civil rights, civil liberties, legal, health and social services communities. Congress should appropriate sufficient funds to assure an in-depth study of all aspects of the individual's rights in relation to his needs for health services and the administration of his affairs until he can resume responsibility.

Intervention procedures and protective services also should assure for elderly individuals their rights of self-determination in their use of health facilities and services.

In order to promote and encourage the establishment of ombudsman services *the nationwide interdisciplinary committee*, or other suitable means, should be used to study

and define the functions and roles of ombudsmen as separate and distinct, conceptually and in practice, from other protective services and from consumer participation in health and other matters affecting the elderly. Subsequent promotion of ombudsmen services should include financial support for their activities as well as programs to assure that their functions and findings are given full visibility at local, State and national levels and in both the public and private sectors.

## Minority Report

A minority requested the Section to substitute the words "physical and mental health" for the amended word "health."

A minority requested the Section to eliminate the last paragraph referring to ombudsman services.

## PHYSICAL AND MENTAL HEALTH

## Additional concerns

(From State Conference, Subsection Proposals, Delegates and other sources.)

Preventive dental health measures to slow or halt chronic dental disease process.

Immediate and high priority for Presidential and Congressional definitions of national goals and philosophy in health.

Extension of age limit for retirement.

Special health education programs for disadvantaged minorities, ethnic groups, rural dwellers and other special groups.

Training for volunteers in health work.

Innovative alternatives to currently know health care resources.

Innovative programs in existing setting, including long-term care.

Immediate steps to control spiralling cost of health services.

Transportation improvements with specific attention to elderly and disabled.

Research in nursing home administration. Remove restrictive provisions and benefit reductions in HR-1.

Psychiatric and psychological care including groups as well as individual care.

Career ladder opportunities in training and employment of health personnel.

Improved Federal interagency collaboration in health care.

Consumer majority in control of design and operation of health programs.

Removal of currently restrictive medicare and medicaid policies.

Establishment of priorities among health section proposals.

Education on health matters for legislators and community leaders.

## HOUSING

A national policy on housing for the elderly worthy of this nation must enjoy a high priority and must embrace not only shelter but needed services of quality that extend the span of independent living in comfort and dignity, in and outside of institutions, as a right wherever they live or choose to live.

Of particular concern and priority are the poor, the minority groups, the disabled, and the aged located in isolated rural areas.

Availability of housing in great variety is imperative. Such housing should respond to health and income needs and provide a choice of living arrangements. It should include sales and rental housing, new and rehabilitated housing, large and small concentrations. It should be produced by public agencies and by private profit and nonprofit sponsors, with incentives to encourage such housing in all communities.

Funds to support a massive and varied housing program and mechanisms for assuring appropriate services are imperative to the well-being of the elderly of this nation. A decent and safe living environment is an inherent right of all elderly citizens. It should become an actuality at the earliest possible time.

## Housing section policy recommendations

1. A fixed proportion of all government funds—Federal, State, and local—allocated to housing and related services, shall be earmarked for housing for the elderly; with a minimum production of 120,000 units per year.

2. Eligibility for the benefits of publicly assisted low and moderate income housing and related services shall be based on economic, social and health needs. Recipients having incomes above an established minimum level shall pay for benefits on a sliding scale related to their income.

3. The Federal Government shall ensure that State, Regional, and local governments and private non-profit groups produce suitable housing for the elderly on the basis of documented need. The Federal Government shall encourage production through the uniform application and use of appropriate incentives.

4. A variety of living arrangements shall be made available to meet changing needs of the elderly. Such arrangements shall include residentially oriented settings for those who need different levels of assistance in daily living. The range shall include long-term care facilities for the sick; facilities with limited medical, food and homemaker services; congregate housing with food and personal services; and housing for independent living with recreational and activity programs.

5. Supportive services are essential in the total community and in congregate housing. Emphasis shall be given to providing more congregate housing for the elderly which shall include the services needed by residents and provide outreach services to the elderly living in adjacent neighborhoods when needed to help older people remain in their own homes.

6. The State or Federal Government shall provide mechanisms to make possible local property tax relief for the elderly homeowner and renter.

7. Every effort shall be made to eliminate red tape and procedural delay in the production of housing for the elderly.

8. Particular attention shall be given to the needs of all minority groups and the hard-core poor elderly. At least 25% of the elderly housing shall be for the hard-core poor elderly, those with incomes at the poverty level or less per year.

9. All Federal agencies dealing with housing for the elderly shall be required to establish multi-disciplinary teams to formulate guidelines for architectural standards based on the needs of the elderly. The multi-disciplinary teams shall also have authority to review and approve innovative proposals.

10. Minority Non Profit Groups shall be encouraged and assisted in developing housing for the elderly.

11. When housing units for the elderly are eliminated for any reason, adequate replacement units must be available and relocation programs provided before such persons are displaced.

12. Congress should revise the definition of a family in the National Housing Act to include single persons 55 and over.

13. The Federal Government shall encourage the preservation of neighborhoods of special character through rehabilitation a selective replacement of substandard dwellings with new dwellings, with full provision for the elderly of the area to remain in their familiar environment.

14. Housing funds now impounded by the Administration should be released and the highly effective Section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored.

New Section 202 projects should be established by recirculating monies now being

sent to the United States Treasury from mortgage payments and Section 202 conversions to Section 236 or like programs. Such conversions of current Section 202's should be encouraged by establishing incentives.

The senior housing loan Section 202 administrative component of HUD should have management audit responsibility for all Section 202 projects and all Section 236 elderly projects.

15. The rent supplement program shall be increased in dollars and eligibility.

16. Financial incentives shall be available to families providing housing and related care in their own homes, or in appropriate accommodations, for their elderly relatives.

17. The Federal government shall provide financial incentives to State and local governments to encourage property tax exemption of voluntary, non-profit sponsored elderly housing projects.

18. The inability of the elderly to financially maintain their homes because of high maintenance costs and increasing taxes resulted in the recommendation that interest-free, nonamortized loans be made available, the amount of the loan to be related to income, with repayment either upon the death of the borrower or the transfer of the property. As an additional element of national policy, it is proposed that ways or mechanisms be researched to enable older homeowners to voluntarily utilize the equities in their homes, to increase their discretionary income while remaining in their own homes.

19. Congressional action shall be taken to establish within the Department of Housing and Urban Development an Office of Assistant Secretary of Housing for Elderly. This office shall have statutory authority and adequate funding to provide overall direction toward the implementation of a National Policy and the production of housing for the elderly.

20. Executive action shall be taken to create an Executive Office on Aging within the Office of the President.

21. Congressional action shall be taken to create a Special Committee on Aging in the House of Representatives.

22. The Congress shall enact legislation to safeguard the elderly property owner or purchaser from unscrupulous real estate developers and/or promoters.

23. The Congress shall enact legislation providing special funds for adequate housing and supportive programs to meet the unique needs of rural elderly Americans including those on Indian Reservations.

24. Standards for physical and environmental security should be developed and applied as an integral and basic element of all housing projects serving the elderly.

25. Competent service to the elderly in housing requires sound research widely disseminated and utilized, covering many aspects of their living arrangements. Such research shall be undertaken to cover the health, physical, psychological, and social aspects of environment in urban and rural areas; to delineate the needs of elderly over 80 years of age; to determine the needs of transient elderly; to establish the importance of selecting appropriate locations; and to provide safe and adequate construction. Particular attention is directed to the consequences to vulnerable older people of improper sales methods and inadequate housing arrangements. There also shall be undertaken a well conceived and well-financed program of training for professional and semi-professional staff to develop efficient and competent management in developments for the elderly.

#### INCOME SECTION Introduction

There is no substitute for income if people are to be free to exercise choices in their style of living.

The income of elderly people in the past

left the greater number of them with insufficient means for decent, dignified living. During the sixties the elderly as a whole enjoyed improvements through greater employment opportunities and better old age security and other public and private benefits. The last two years may have witnessed the reversal of these trends toward improvement as inflation continued to erode the purchasing power of fixed incomes, and rising unemployed reduced job opportunities for older workers. The economic situation of the elderly, if past experience is repeated, will improve more slowly than that of younger groups even with an upturn in the national economy. Direct action to increase the income of the elderly is urgent and imperative.

#### Recommendations

*Income adequacy.*—The immediate goal for older people is that they should have total cash income in accordance with the "American standard of living."

We therefore recommend the adoption now, as the minimum standard of income adequacy, of the intermediate budget for an elderly couple prepared by the Bureau of Labor Statistics (nationally averaging about \$4,500 a year in Spring 1970). This level must be adjusted annually for changes in both the cost of living and rising national standards of living. For single individuals the minimum annual total income should be sufficient to maintain the same standard of living as for couples (not less than 75 percent of the couple's budget). For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

*Providing floor of income.*—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from general tax revenues.

This proposal would retain the basic features of the Social Security program. In addition, there should be a supplementary payment system based on an income test to bring incomes up to the minimum, financed entirely from Federal Government general revenues and included a single check from the Social Security Administration.

*Liberalizing the retirement test.*—Many older persons work in order to supplement their retirement income.

The exempt amount of earnings under the Social Security retirement test should be increased to not less than \$3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of \$1 reduction in benefits for each \$2 of earnings should apply to all earnings in excess of the exempt amount.

Elimination of the test would cost an additional \$3 billion, and there are more urgent needs to which this sum could be applied than paying benefits to persons who are still employed at more than the exempt levels.

*Widow's benefits.*—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at the later age to receive their Social Security benefit.

*Extending "special age-72" benefits.*—Certain residents of the Commonwealth of Puerto Rico, Samoa, the Virgin Islands, and Guam are presently excluded from special benefits which are otherwise applicable to persons over the age of 72 who reside in the United States.

We recommend that the 1965 amendments to the Social Security Act, providing for special benefits to all persons 72 years of age and older not otherwise receiving benefits, be applied without discrimination to all residents of Puerto Rico and the territories and possessions of the United States.

*Position of disadvantaged groups under Social Security.*—Studies should be made to determine whether there are disadvantaged groups within the population whose age at retirement or benefits under the Social Security system may be inequitable because of shorter life expectancy due to social and economic conditions or racial discrimination.

*Financing Social Security.*—The financing of the Social Security system should include a contribution from general revenues. The whole structure of payroll taxes should be reviewed to lighten this burden on low-income workers.

*Private pensions.*—Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and ensure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

*Remission of property taxes.*—It is desirable that older persons be enabled to live in their homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal and State grant programs to State and local taxing authorities to compensate for reduced revenues.

*Meeting health needs.*—This nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would ensure that health care expenses would be a shared responsibility of the government, employers and individuals. There should be no deductibles, co-payments, or co-insurance.

Until such a system is established, the benefits of Medicare-Medicaid should be increased immediately to include, at a minimum, out-of-hospital drugs, care of the eyes, ears, teeth, and feet (including eyeglasses, hearing-aids, dentures, etc.); and improved services for long-term care, and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, co-payments, or co-insurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

We support the establishment of a special committee of the House of Representatives which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our nation has the resources to effectively carry out the proposals made by this Section provided there is a re-ordering of national priorities.

#### NUTRITION Introduction

We take it for granted that all older Americans should be provided with the means to insure that they too can enjoy life, liberty,



and the pursuit of happiness. Adequate nutrition is obviously basic to the enjoyment of these rights.

Food is more than a source of essential nutrients—it can be an enjoyable interlude in an otherwise drab existence. Thus, provision should be made to meet the social as well as the nutritional needs of older people. A factor that adds dignity and significance to the life of the aged is the feeling that they too are useful and important. Assistance should be provided to make possible preparation of meals for themselves and others. Community meals, however, should be an alternative. Volunteer groups can be involved in such services as transportation, shopping, and distribution of hot meals. Young people should be encouraged to participate in these services and to join the elderly in meals.

All nutrition programs should be supplemented by appropriate educational measures. Older people should be protected from food quackery and unfounded nutritional claims. Lack of research, evaluation and communication leads to failure of otherwise good programs and to the perpetuation of poor programs. The search for more efficient and better means of providing for the good nutrition, health and happiness of older people should be a continuous process.

All recommendations regarding the nutrition of aging Americans should clearly include the elderly in small towns, rural and isolated areas, and the elderly in minority groups. Special cognizance must be taken of the long neglected needs of older Indians and other non-English speaking groups.

#### *Majority policy proposals*

1. It is recommended that the Federal Government allocate the major portion of funds for action programs to rehabilitate the malnourished aged and to prevent malnutrition among those approaching old age. However, adequate funds should be allocated for a major effort in research on the influence of nutrition on the aging process and diseases during old age in order to give meaning and impact to the action programs. Appropriate research findings must be made available to all action programs.

Since approximately one-half to one-third of the health problems of the elderly are believed to be related to nutrition, we recommend that pilot programs be set up for the evaluation of the nutritional status of the elderly.

2. The Federal Government should establish and more strictly enforce high standards with specific regulations for the food and nutrition services provided by institutions and home care agencies that receive any direct or indirect Federal funds, require a high level of performance from State Government enforcement agencies, and when necessary, provide financial assistance to bring non-profit organizations up to standard. These standards should include such important areas as quality and nutritive value of food; methods of handling, preparing and serving foods; the special dietary needs of individuals; and the availability of and accessibility to nutritional counseling.

It is recommended that nutrition services and nutrition counseling be a required component of all health delivery systems, including such plans as Medicare, Medicaid, health maintenance organizations, home health services, extended care facilities, and prevention programs.

3. Government resources allocated to nutrition should be concentrated on providing food assistance to those in need. However, a significant portion of these resources should be designated for nutrition education of all consumers, especially the aged, and to the education of qualified nutritionists of those who serve the consumer including teachers

in elementary and secondary schools, doctors, dentists, nurses, and other health workers. This can be accomplished immediately by increasing personnel and funds in existing agencies and institutions.

4. Federal Government policy must offer the older person a variety of options for meals, but should stress the favorable psychological values and the economies inherent in group feeding. The policy should require all Federally-assisted housing developments to include services or to insure that services are available for the feeding of elderly residents and for elderly persons to whom the development is accessible. Where a meal is provided, it should meet at least  $\frac{1}{2}$  of the nutrient needs of the individual. The policy should also require the provision of facilities (including transportation) for food purchase and meal preparation within each household of the development. In addition, Federal policy should encourage and support community agencies to provide facilities and services for food purchase, meal preparation and home delivered meals (often called Meals-on-Wheels) for eligible persons living outside housing development or in isolated areas.

5. It is recommended that the Federal Government assume the responsibility for making adequate nutrition available to all elderly persons of the U.S. and its possessions.

Minimum adequate income (at least \$3,000 per single person and \$4,500 per couple) must be available to all elderly. Until money payments are increased above this minimum level existing food programs should be strengthened, including nutrition education, to meet the needs of the elderly. Therefore, it is recommended that:

a) In addition to store purchases of food, food stamps be used for the purchase of meals in participating restaurants, school and community settings, and any approved home delivery systems.

b) The food stamp program must be structured to conform to the USDA low-cost food plan at no increase in the cost of food stamps to the recipient.

c) As long as low income social security recipients are on fixed incomes they should be eligible for self-certification for food stamps and/or Public Assistance cash grants.

d) Food stamp applications should be mailed with social security checks and stamps sent to older persons through the mail or by some other efficient, practical and dignified distribution method.

e) The purchase of food stamps should be encouraged and facilitated by providing the first food stamp allotment without cost to the recipient, by permitting more frequent purchases and by distributing stamps at senior citizen centers.

f) The approximately 1000 counties in the United States still using the Commodity Program must switch by December 31, 1972, to the Food Stamp Program for the individual feeding of the elderly. Until this is accomplished the federal donated food should be made nutritionally appropriate, in packages of suitable size, and at readily accessible places.

It is recommended that the equivalent of a National school lunch program be established for Senior Citizens, not be limited to school facilities or to low income persons. Basic components of the program should be:

a) All USDA commodities should be fully available on the same basis as to the school lunch program.

b) Funding should provide for adequate staff, food, supplies, equipment, and transportation.

c) Elderly people should be employed insofar as possible.

d) Auxiliary services should be built in, including recreational, educational and counseling programs.

It is recommended that nutrition specialists already in the field direct the recruitment of volunteers and/or paid part-time aides from among the elderly and train them to teach sound nutritional practices to older people in groups and in their homes. Qualified social workers should be utilized in getting client acceptance of the services being made available.

6. The responsibility for producing quality food rests with the food industry. However, it is the responsibility of the Federal Government to establish and enforce such standards as are necessary to insure the safety and wholesomeness of our National food supply, as well as improve nutritive value. To do this requires more personnel and funding. State requirements that meet or exceed Federal standards must be established, implemented and monitored with Federal support. Particular attention should be given to both nutrient and ingredient labeling of food products as a means of achieving greater consumer understanding. An inclusive list of the ingredients in any processed food should be made available by the manufacturer to the consumer on request.

#### *RETIREMENT ROLES AND ACTIVITIES*

As we grow older, we continue to need to occupy roles that are meaningful to society and satisfying to us as individuals. However, we emphasize the primacy of such basic necessities as income, health and housing and these needs must be adequately met.

Twenty million older people with talents, skills, experience and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.

Given proper resources, opportunities and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decision making and in the implementation of programs. Choice of roles must be available to each older person despite differences in language and ethnicity, and limitation because of disability or level of income. The lives of Americans of all ages will be enriched as the nation provides opportunities for developing and utilizing the untapped resources of the elderly.

#### *Policy proposal No. 1*

Society—through government, private industry, labor, voluntary organizations, religious institutions, families and older individuals—must exercise its responsibility to create a public awareness of changing life styles and commitments in a continuous life cycle. Together they should discover and implement social innovations as vehicles for older persons to continue in, return to, or assume roles of their choice. These innovations should provide meaningful participation and leadership in government, cultural activities, industry, labor, welfare, education, religious organizations, recreation and all aspects of volunteer services.

#### *Implementation*

Programs at federal, state and local levels which provide opportunities for community service by older persons should be strengthened and expanded.

Mechanisms should be developed for continuing the work of successful demonstration programs, until such programs become unnecessary or self-sustaining.

Older people should not be further isolated. Attention must be paid to making opportunities for community service accessible as well as available to all older persons.

*Policy proposal No. 2*

Program efforts to meet role problems and to create new role opportunities should be designed to serve all segments of the older population. Priorities should be determined according to local and individual needs; Special effort must be made to include persons who might otherwise be excluded—the impoverished, the socially isolated, the ethnic minorities, the disabled and the disadvantaged.

*Policy proposal No. 3*

Society should adopt a policy of preparation for retirement, leisure, and education for life off the job. The private and public sectors should adopt and expand programs to prepare persons to understand and benefit from the changes produced by retirement. Programs should be developed with government at all levels, educational systems, religious institutions, recreation departments, business and labor to provide opportunities for the acquisition of the necessary attitudes, skills and knowledge to assure successful living. Retirement and leisure time planning begins with the early years and continues through life.

*Implementation*

While retirement preparation is both an individual and total community responsibility, every employer has a major responsibility for providing preparation-for-retirement programs during the working hours.

The function of Social Security district offices should be expanded to include the additional role of offering individual pre-retirement counseling.

*Policy proposal No. 4*

Social policy should encourage families to assume the responsibility for providing supportive services to older family members; however, society must insure the availability through government and community organizations to all older people of comprehensive supportive services which they are unable to provide independently.

*Implementation*

The federal government should move immediately to develop models for a network of supportive services for all elderly citizens. Implementation should be the ultimate responsibility of the local community.

In funding supportive services, federal funds should be provided to applicant agencies and local communities as well as state organizations.

The availability of such services should be made known through a program of public information.

*Policy proposal No. 5*

Public policy should encourage and promote opportunities for the greater involvement of older people in community and civic affairs, and for their participation in formulating goals and policies on their own behalf as a basis for making the transition from work to leisure roles. Society should reappraise the current life style sequence of student, worker, retiree roles, and promote role flexibility.

*Policy proposal No. 6*

We recognize that many problems of aging Americans are problems for all Americans, and we urge the Conference to request the re-ordering of the nation's priorities.

All citizens will benefit from elimination of poverty, preservation of the environment, more adequate health care services, better housing, transportation and the control of disease and physical disability.

Therefore, we recommend that the Chairman of the 1971 White House Conference on Aging appoint a select committee of delegates to prepare a preamble for action which calls for a re-ordering of our nation's priorities, and that recognizes that the strength

and success of America will be judged on how well the needs of its own people are served.

*Policy Proposal No. 7*

We recommend that the President and the Congress, either by executive order or by congressional action, give immediate priority to the restructuring of the Administration on Aging and its establishment as a visible, effective advocate agency for the elderly at the highest level of government so that it will directly relate to the Executive Office of the President.

*Policy Proposal No. 8*

Since older persons have special needs, we recommend that public programs specifically designed for the elderly should receive categorical support for the elderly, rather than compelling the aged to compete for services, activities, and facilities intended for the general population.

*Policy proposal No. 9*

It should be the responsibility of the federal government, in cooperation with other levels of government, to provide funds for the establishment, construction and operation of community oriented multi-service centers designed for older citizens. Industry, labor, voluntary and religious organizations should assist in the planning and implementation.

*Policy proposal No. 10*

In order to encourage further activity on the part of older Americans, it is recommended that the work means test be modified so as to allow unlimited earnings without the reduction of Social Security benefits.

*Policy proposal No. 11*

The information media are so important in the formation of public attitudes that it is recommended that special attention be given to enhancing the image of older persons, and to disseminating the recommendations of the 1971 White House Conference on Aging and its follow-up activities.

*Policy proposal No. 12*

The Administration on Aging should arrange for the publication of status reports to the delegates, at six month intervals, on action taken on the recommendations of the 1971 White House Conference on Aging.

*Policy proposal No. 13*

Training and research agencies, including university programs which relate to recreation and leisure, should be encouraged to concern themselves with the needs of older persons as an integral part of their training curriculum.

*Policy proposal No. 14*

We endorse a program looking toward continuing physical fitness of men and women before and during the years of retirement. Such a program should be implemented by governmental support in cooperation with voluntary agencies which have a long history of experience in this field.

*Policy proposal No. 15*

Because reciprocity often does not permit the full use of elderly professionals whose services are badly needed, we urge the National Conference of Commissioners on Uniform State Laws, in cooperation with the professions, to develop and promulgate a minimum national standard for admission to the medical, dental, legal and other professions, which standard permits quality professional practice, and that each state adopt such a uniform standard of professional practice.

## SPIRITUAL WELL-BEING

Spiritual well-being relates to all areas of human activity. In referring to man's spiritual well-being, we consider those aspects of life "... pertaining to man's inner re-

sources, especially his ultimate concern the basic value around which all other values are focused, the central philosophy of life—whether religious, anti-religious, or non-religious—which guides a person's conduct, the supernatural and non-material dimensions of human nature."

Whether rich or poor, advantaged or disadvantaged, every person has a right to achieve a sense of spiritual well-being. "We believe that something is wrong with any society in which every age level is not clearly of meaning and of value to that society. The spiritual needs of the aging really are those of every person, writ large: the need for identity, meaning, love, and wisdom."

As delegate to the White House Conference on Aging in the section concerned for spiritual well-being, we call attention to this fact of life: to ignore, or to attempt to separate, the need to fulfill the spiritual well-being of man, from attempts to satisfy his physical, material, and social needs is to fail to understand both the meaning of God and the meaning of man.

Whether it be the concerns for education, employment, health, housing, income, nutrition, retirement roles, or transportation, a proper solution involves personal identification, social acceptance, and human dignity. These come fully only when a man has wholesome relationships with both fellow-men and God.

The concerns apply to all ages. Basic needs do not necessarily change with age, but they often are intensified.

Therefore, the White House Conference on Aging states that all policies, programs, and activities recommended in a National Policy on Aging should be so developed that the spiritual well-being of all citizens should be fulfilled.

In this context the Section on Spiritual Well-Being of the White House Conference on Aging makes the following policy recommendations:

Since all persons have the "right" to the privileges of citizenship, no person because of his religion, race, creed or national origin should be denied that "right" which includes access to all avenues of assistance.

*Proposal*

The government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

*Proposal*

The government should cooperate with religious organizations and concerned social and educational agencies to provide research and professional training in matters of spiritual well-being to those who deliver services to the aging.

*Proposal*

It is recommended that the government provide financial assistance for the training of clergy, professional workers, and volunteers to develop special understanding and competency in satisfying the spiritual needs of the aging.

*Proposal*

It is recommended that all licensing agencies in the State require that institutions caring for the aged must provide adequate chaplaincy services. In certain instances in which cooperating church organizations cannot obtain financial support for such service, government should be empowered to supply it upon the recommendations of the State Commission on Aging or other appropriate agencies.

<sup>1</sup> Bollinger, Thomas W. 1969. "The Spiritual Needs of the Aging." In *The Need for a Specific Ministry to the Aged* (Southern Pines, N.C.: Bishop Edwin A. Penick Memorial Home, 1969), pp. 50-51.



*Proposal*

It is recommended that the Federal government should establish a continuing system of evaluation of present and proposed government funded programs serving the elderly. One of the functions of such a system would be a determination of a program's effect upon the spiritual well-being of the elderly.

*Proposal*

It is recommended that a much greater, more diverse information flow is necessary to acquaint the elderly with all the services which are available to them. Social Security Administration should be required to disseminate adequately the information necessary to acquaint the elderly with all the services which are available to them, such as by enclosing information with social security checks.

In efforts to meet the spiritual needs of the aging, it is essential that both group and individual needs be recognized. Both group, (inter-generational, inter-racial, geographical, etc.) and individual desires must be recognized in all situations, and the alternative choices that most effectively provide solutions be available.

*Proposal*

Efforts should be made to meet the spiritual needs of the aging by ministering to them in conjunction with people of all ages, as well as in groups with special needs. It is noted that special attention should be given to allowing older persons to share in the planning and implementation of all programs related to them.

*Proposal*

As a part of total programming for older persons, communities should make available religious or other spiritual consultation to the aged in their own homes, using the clergy and other trained persons. Special emphasis shall be given to assist and utilize personnel of those religious bodies lacking financial resources often available to larger groups.

Any discussion of the spheres of interest of religious organizations must recognize that, though spiritual and social concerns may have definable aspects unique to themselves, to ignore their many areas of interdependency is to lessen the totality of each.

*Proposal*

Since man is a whole being with inter-related and inter-dependent needs, religious organizations should be actively concerned with spiritual, personal and social needs.

*Proposal*

Religious organizations must be aware of agencies and services, other than their own, which can provide a complete ministry to older persons; other organizations designed for the benefit of older persons should develop as a part of their services channels to persons and agencies who can help in spiritual problems.

*Proposal*

Religious bodies should exercise a strong advocacy role in meeting the needs of the elderly, working for programs, both public and private, that contribute to the well-being of the elderly and protecting them from those who would victimize or demean them.

We live in an age of ecumenism. While each religious body has inherent rights to provide opportunity for full participation in developing policy and implementing programs, the large and most visible religious bodies should be aware of and cooperative with all other religious bodies.

*Proposal*

Religious bodies have traditionally and properly developed their own philosophies. We recommend that they work together with the elderly and coordinate their efforts with

other groups to develop and declare an affirmation of rights for the elderly. These rights should include the basic values of all while insuring the basic right of freedom of religion.

*Proposal*

It should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broadbased community programs for the aged through multipurpose community centers.

Any discussion of the spiritual well-being of man must include all aspects of life, even that of death. Although there are strong arguments in any such discussion, they are best resolved by open discussion.

*Proposal*

Religious bodies and government should affirm the right to, and reverence for life and recognize the individual's right to die with dignity.

## TRANSPORTATION

*Introductory statement*

It has been unanimously agreed by the State and Territorial Conferences, the National Organization Task Force, the Technical Committee on Transportation and the Delegates of the Transportation Section of this Conference that meeting the transportation needs of the elderly is a problem of vital concern. For many of the elderly the lack of transportation itself is the problem; for others, it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems. These problems interact with one another and in doing so further augment the transportation difficulties of the elderly. For example, their low incomes often force them to live in poor transit service areas and prevent them from owning private automobiles. Rising fares and reduced services of financially declining transit companies restrict their travel. Even where transit is available, design features and the lack of directional information may preclude access to available part-time work which might improve their incomes.

The elderly, like everyone in society, must depend upon the ability to travel for acquiring the basic necessities of food, clothing, and shelter as well as employment and medical care. The ability to travel is also necessary for their participation in spiritual, cultural, recreational and other social activities. To the extent the aged are denied transportation services they are denied full participation in meaningful community life.

It is essential that the needs of all the elderly be considered. In the establishment and operation of the transportation systems and services proposed in the policy recommendations, provision must be made to serve the ethnic and cultural needs of minority groups. In addition, because the transportation needs of the rural elderly are critical, they must be assured of receiving all the benefits associated with the recommendations of this Conference.

The implications of the failure of our transportation network to meet the needs of the elderly have received widespread attention and study by Congressional committees, advisory boards, the President's Task Force on Aging, and numerous other goal-generating sources. They have repeatedly affirmed that the opportunity for a wide range of life choices is a basic right of the elderly; that mobility is a necessary precondition for free and dignified choice; that maximization of choice through programs to increase the mobility of the aged ought to be the overall goal of public policy for the older citizen.

The Delegates of the Transportation Sec-

tion are in agreement with these goals. However, the transportation needs of the elderly cannot wait for more studies. Immediate action is needed. The transportation policy recommendations are a call for action now. The order of presentation of recommendations in this report shall not be considered as an ordering of the priority of the recommendations.

## POLICY RECOMMENDATIONS

The following are the policy recommendations passed unanimously or by majority vote except where otherwise noted.

*Transportation subsidies*

The Federal Government shall immediately adopt a policy of increasing transportation services for the rural and urban elderly. The policy should be flexible encompassing various alternatives. Both system subsidies and payments to elderly individuals may be needed, the choice depending upon the availability and usability of public and private transportation.

Subsidies should be made available not only for existing systems, but also for the development of flexible and innovative systems, especially where there are no existing facilities.

Financial support should be directed toward accomplishing program purposes such as:

1. Reduced or no fare transit for elderly people.
2. Operating and capital subsidies.

*Transportation for all users*

The Federal Government shall act immediately to increase support for the development of transportation for all users, with special consideration given to the needs of the elderly, the handicapped, rural people, the poor and youth.

*Transport coordination*

Publicly funded programs for the elderly shall be designed so that transportation will be required as an integral part of these programs, whether transportation is provided directly by the programs or through other community resources.

Public policy shall require coordination of existing transportation and/or new planned transportation with publicly funded programs for the elderly.

To assure maximum use of vehicles and coordination, all government passenger vehicles (such as school buses, vans and other vehicles) in use by Federal, Regional, State, County and City programs shall be made available interchangeably among agencies for the provision of transportation to senior citizens for their respective programs. The use of these vehicles shall be available without prejudice to serve all disadvantaged elderly.

An area clearinghouse should be established so that all local transportation resources are used efficiently to meet the transportation needs of the elderly.

*Individualized flexible transportation*

The Federal Government shall provide leadership and financial support for the development of individualized, flexible transportation for the elderly which provides increased access to health care facilities, shopping, religious, social, recreational, and cultural activities. Programs should be implemented by local and state governments, private enterprise and voluntary community action.

*Minimum design and safety standards*

The Federal Government, in cooperation with state and local governments and other agencies, shall set minimum standards for the design of equipment and facilities and shall develop programs to assure the safety, comfort, and convenience of the elderly as pedestrians, drivers, and users of transportation services. Implementation and enforce-

ment of these standards should be by local and state governments unless preempted by the Federal Government.

#### *Design and safety features*

Transportation systems and services developed or subsidized by public funds shall be designed in an architecturally barrier-free manner in order to provide accessibility for all people.

The Federal Government shall provide guidelines to State and local governments to assist in the development of improved ancillary services such as: terminal design, shelters, centralized transit information, traffic control, and crosswalk markings. Where appropriate, symbols, multi-lingual signs and other devices will be used to facilitate movement of all users.

#### *Reduced fares*

Appropriate legislation at all levels of government should provide that the elderly and handicapped be allowed to travel at half fares or less on a space available basis on all modes of public transportation.

#### *Transportation fund*

The Federal Government should move immediately to adopt a policy which will both increase the level of funding available to the development and improvement of transportation services and also foster the coordination of all forms of transportation, public and private, at federal, state, regional, and local levels of responsibility.

The Congress of the United States is urged to immediately adopt legislation to convert the Highway Trust Fund into a General Transportation Fund to be utilized for all modes of transportation.

A portion of the General Transportation Fund shall be made available for the development of new transportation services and the improvement of existing transportation services for the elderly.

#### *Drivers licensing*

A nationwide set of driver's licensing standards shall be established that do not discriminate against the elderly on the basis of chronological age alone.

#### *Volunteer driver insurance*

In designing new flexible transportation services, the Federal Government should establish a national policy for guaranteed liability insurance to cover volunteer drivers.

#### *Encouragement for volunteer drivers*

Individuals should be encouraged to serve as volunteer drivers for the elderly in one or more of the following ways: reimbursement for out-of-pocket cost of services rendered; a tax break; use of publicly-owned vehicles; or assistance with insurance and maintenance of vehicles.

#### *Governmental appointments*

An elderly person knowledgeable in the affairs of the elderly shall be appointed as an assistant reporting directly to the Secretary of Transportation to represent the needs of the elderly and work toward implementation of their transportation programs.

#### *Insurance cancellation*

The Federal Government and/or state governments should pass legislation prohibiting insurance companies from increasing auto insurance premiums or cancelling policies on the basis of age alone.

#### *No-fault insurance*

Exploration of the concept of no-fault insurance and the possibility of government operated insurance programs and experimentation now underway in the various States which would further the development of better insurance programs shall be encouraged.

#### *Minority proposal*

Exploration of the concept of no-fault insurance and experimentation now underway

in the various States which would further the development of better insurance programs shall be encouraged.

#### *Transportation for the rural elderly*

All levels of Government shall take immediate steps to correct the present lack of provisions for the basic transportation needs of the rural elderly. Federal laws shall be amended to include specific definitions of responsibility for rural transportation by the Department of Transportation.

#### *Transportation and Federal action*

In the absence of state or local response to the transportation needs of all users, especially the elderly, handicapped, rural, poor and youth, the Federal Government shall be empowered to act unilaterally in their interest.

#### *Private housing transportation needs*

Individualized and/or public transportation shall be incorporated in the planning of all privately funded senior housing projects to meet the needs of the elderly.

#### *Jurisdictional coverage*

All policies adopted as a result of the recommendations of this conference shall be applicable to all of the United States, the Commonwealth of Puerto Rico and all other territories associated with the United States.

#### *Special problem: Reservation Indians*

Because American Indian Reservations are considered to be outside of state jurisdiction, American Reservation Indians are not eligible for existing or proposed state funded transportation services.

The Federal Government should recognize the unique transportation problems of American Reservation Indians, and shall immediately provide through subsidies new transportation services that assure American Reservation Indians transportation to health care, educational, social, religious, recreational, cultural and shopping facilities.

#### *Post conference action*

It is proposed that the 1971 White House Conference on Aging and subsequent follow up of this Conference can benefit by including in their structured deliberations a special section or workshop having a kind of free-wheeling assignment to offer new and creative ideas. Such a section would not be bound by structured issues. It would be composed of leaders from the elderly and a cross-section of all the major fields of society. It would examine the issues and underlying value-systems which limit self-determination and inhibit the elderly persons' opportunity to be productive. This section would suggest new basic concepts not now explored in the field of aging. Said concepts would go beyond our basic view of the elderly persons' role in society.

#### *FACILITIES, PROGRAMS, AND SERVICES*

National policy should guarantee to all older persons real choices as to how they shall spend their later years. Older persons should be enabled to maintain their independence and their usefulness at the highest possible levels. They must have the opportunity for continued growth, development and self-fulfillment and for expanded contributions to a variety of community activities.

In addition to adequate income, an effective network of facilities, programs, and services must be readily available and accessible to permit them to exercise a wide range of options, regardless of their individual circumstances or where they happen to live. Such facilities, programs, and services must be available whether the need for them is short term or long term. They may be under public or voluntary auspices.

Attention must be given now to identify and provide those services which make it possible for older persons to remain in, or return to, their own homes or other places of resi-

dence. Whatever the type of resource required to assist them in maintaining the living arrangements of their choice, whether institutional or community based, appropriate standards for those resources must be established and strictly enforced.

Action is needed in forging a national social policy on protection of the older person's rights and choices that will be reflected in provision of a wide range of facilities, programs, and services, whether preventive, protective, rehabilitative, supportive or developmental in their focus. To this end there must be strategies for achieving action now, including Federal fiscal support to implement the policies which follow.

#### *Policy recommendation No. 1*

##### *Majority Recommendation*

Tax funds should be more equitably allocated to maximize the likelihood that older persons will continue to live independently and to help assure that older persons will have a choice of living arrangements. To achieve this, a full range of supportive community services, public and private, must be adequately financed. Public funds must be allocated in sufficient magnitude to assure such quality institutional care, from minimal to maximal, as may be needed at various stages in an older person's life. The level and quality of care and services shall be provided without regard to source of payment.

#### *Policy recommendation No. 2*

##### *Majority Recommendation*

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources at the election of local and State governments.

##### *Minority Recommendation*

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources.

#### *Policy recommendation No. 3*

##### *Majority Recommendation*

Primary responsibility for planning and coordination of health, welfare and other services for the older population should be placed in a public service agency with divisions at the Federal, State and local level with strong administrative authority and funding controls and the capability of functioning across departmental lines. There should be extensive involvement of older people and independent agencies and organizations in the making of policies and in all aspects of planning.

#### *Policy recommendation No. 4*

##### *Majority Recommendation*

All age groups should be involved in the determination of policies and standards for facilities and services for the older population and older persons themselves certainly must have a role.

#### *Policy recommendation No. 5*

##### *Majority Recommendation*

Qualifications other than age should be the determining factors in staff employment in facilities and programs for the elderly, but special effort should be made to use older persons in staffing such facilities and programs.

#### *Policy recommendation No. 6*

##### *Majority Recommendation*

Older persons should be served by an integrated system, sharing equitably with other



age groups those facilities, programs and services suitable and appropriate to the needs of the general population but they should also have the benefit of specialized facilities, programs and services based on their distinctive needs.

**Policy recommendation No. 7**  
**Majority Recommendation**

Government controls as a primary means for assuring consumer protection should be substantially augmented by the participation of consumers, industry, business, and the professions.

**Policy recommendation No. 8**  
**Majority recommendation**

A central consumer agency should be established at the Federal level to better coordinate and strengthen the powers and responsibilities of existing Federal agencies engaged in consumer protection to ensure that the interests of elderly consumers are better served.

**Policy recommendation No. 9**  
**Majority recommendation**

Older persons shall be free to manage their own affairs. Should public intervention be needed due to hazardous circumstances or situations in which they may be involved, there must be full protection of their legal rights as individuals. There should be development of protective services for those older persons in the community who are unable to manage their affairs because their mental and/or physical functioning is seriously impaired.

**Policy recommendation No. 10**  
**Majority recommendation**

Age alone may be an appropriate criterion in establishing policy for certain programs, such as eligibility for social security retirement benefits and property tax relief. It is an inappropriate criterion when used to discriminate against the elderly in determining eligibility for insurance, employment and credit, for example. Any criterion based solely on age should be analyzed to determine whether it is appropriate for a particular area.

**Policy recommendation No. 11**  
**Majority Recommendation**

Federal legislation shall provide minimum quality standards and guidelines to provide uniform services and care for the elderly in all federally-administered programs and in Grant-in-Aid programs offered to the States, supplemented by legislation on the State and local levels conforming to such standards and guidelines. Such standards and guidelines shall clearly specify requirements regarding staff qualifications and training and the quality of facilities, programs and services.

**Policy recommendation No. 12**  
**Majority Recommendation**

Government funded legal services shall be available to older persons in all communities.

To ensure this:

1. The Federal Government should earmark adequate funds so that older persons will have a guaranteed full range of legal services, including advocacy, administrative reform, litigation and legislation. The funds provided should be a fair proportion of all legal service funding.

2. Bar associations, private law firms and law schools and university research institutes should be encouraged to provide legal assistance and research findings to older persons.

3. Lay people and older para-professionals should be used to perform advocacy roles that advance the legal concerns of older people.

4. Congress should establish an indepen-

dent legal service corporation in which older persons will have a fair share of direction, that will provide free services for those who cannot afford them (including rights and property of older homeowners), will charge a reasonable fee for those persons whose incomes permit a modest payment, and whose services will be accessible wherever older people live.

5. Funds should be made available for research into the legal problems of older persons.

**Policy recommendation No. 13**  
**Majority Recommendation**

While the need for greatly expanded facilities, programs and services is urgent, services are not a substitute for sufficient income to maintain independent living in dignity and health. Older persons require no less than the moderate standard of living defined by the Bureau of Labor Statistics and no limit should be placed on earnings of social security beneficiaries.

**Policy recommendation No. 14**  
**Majority Recommendation**

Police protection of the elderly should become a top priority. A portion of Federal funds for the prevention of crime allocated to the States or local communities should be earmarked for this purpose. Particular attention should be paid to the needs of minority groups.

**Policy recommendation No. 15**  
**Majority Recommendation**

Involvement between young people and older people should be encouraged at all levels of community life. Young people can gain knowledge of the process of aging and become involved with elderly people through the education system, National Youth Organizations, and volunteer roles.

**Policy recommendation No. 16**  
**Majority Recommendation**

A policy affecting the elderly will only be useful if it is written clearly, is publicized broadly, and is completely understandable by persons with differing cultural and linguistic backgrounds. For example, the Social Security Administration could enclose with the monthly check notification of entitlements and programs available to beneficiaries.

**Policy recommendation No. 17**  
**Majority Recommendation**

Delegates from every part of our Nation call upon the President to end the United States involvement in the war in Southeast Asia. We are acutely aware of the human costs resulting from that tragic war including war-related spiraling inflation and the unfortunate waste of our resources in so-called defense appropriations. We declare urgently and simply: The War Must Stop!

**GOVERNMENT AND NON-GOVERNMENT ORGANIZATION**  
**Introduction**

The 1971 White House Conference on Aging, has been divided into fourteen Sections, ninety-five Subsections and several Special Concerns Sessions, all considering a staggering array of problems and needs of our nation's older population. Whatever their decisions, recommendations and/or proposals, they ultimately must become the concern and responsibility of the Section on Government and Non-Government Organization, if they are to be implemented.

This Section recognizes that the problems of the aging are statewide and nationwide; they require multiple solutions; they must first have local identification; they cannot and will not be met, successfully, without the involvement of all government and non-government agencies concerned with the

aging; they demand a cooperative, correlated approach which extends needed services to all older persons; and they must be underwritten, beyond speeches, proposals and laws, by commitments of manpower and sufficient funds.

Further, this Section recognizes that both governmental and non-governmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interests of older people.

Whatever organizational patterns are established and/or modified must now include focal points of authority and responsibility at each level of government.

Finally, this Section introduces its own proposals with the recognition that society has grown so increasingly complex and interdependent no individual person and no individual agency can provide for the needs of people through independent efforts. The time has come to develop, support and enhance an improved and strengthened moving organizational force which will lead to strong reforms and action whereby every older person in our land shall be privileged to live out his life in decency, dignity and with a sense of personal worth.

**Policy proposals**

1. Public agencies should be empowered, and voluntary agencies encouraged to undertake and/or pursue more vigorously the advocacy of older people's interests, drawing more fully upon direct communications with, and participation by, the elderly and/or their organizations and the general public.

2. At all levels of government a central office on aging should be established in the Office of the Chief Executive, with responsibility for coordinating all programs and activities dealing with the aging, fostering coordination between governmental and non-governmental programs directly and indirectly engaged in the provision of services, and for planning, monitoring and evaluating services and programs. Each operating department should establish the post of Assistant Secretary for Aging with responsibility for maximizing the department's impact in relation to the needs of the older person. A coordinating council should be established in each central office of aging to be chaired by the director of the office and should include the several department assistants on aging.

At the Federal level, this central office should be implemented with the authority and funding levels and full-time staff needed to formulate and administer policy, and should be assisted by an advisory council and should be required to make an accurate and comprehensive annual report on its progress in resolving problems and meeting goals. This White House level office should have enough prestige and resources to assure that it will encourage the development of parallel units at the State and community levels.

3. Relationships between agencies in aging and other public agencies should be characterized by mutual adjustments and cooperation at all government levels and by durable joint agreements of responsibility for research, comprehensive planning and provision of services and facilities, and should be based on and directly responsive to older Americans' opinions and desires at the grass root levels.

4. Governmental responsibility, particularly for providing funds and establishing standards, must be emphasized if the necessary facilities and services are to be made available to older people. The delivery of services should make maximum use of voluntary and private organizations which can meet the standards established by government in consultation with consumers and the providers of service.

5. Overall agency activities in aging should be planned and organized to provide coordination and support in both vertical and horizontal dimensions. Local agencies should participate in the formulation of State plans; State agencies should participate in the formulation of comprehensive plans and national policies. Such inter-relatedness should include governmental and non-governmental organizations, private and voluntary agencies, and representatives of the elderly.

6. Governments, at all levels, should encourage and foster the participation of private enterprise and voluntary organizations, including those whose membership is drawn from among the elderly. Such efforts to meet the needs of older people should include: pilot research and demonstration projects, direct service programs, self-help programs, informational, educational and referral services, planning and training programs.

7. Basic facilities and services should be provided as rights to which all older people are entitled and the opportunity to share these facilities and services ought to be available to all older people, while the adversely circumstanced must be entitled to special consideration.

8. All efforts to meet the needs of older people, whether by governmental or private and voluntary agencies, should be consistent with: (a) the First Amendment Freedoms of Association and Expression; (b) the right to participate in government-sponsored programs free from religious, racial, ethnic and age discrimination; and (c) protection of one's person and property, particularly in institutional settings.

9. The integration of governmental activities in the field of aging should be improved by the Federal agencies showing greater appreciation of the fact that the principle of accountability applies from the Federal to the State level, as well as from the States to the Federal Administration. Federal accountability to the States should provide sufficient lead time when Federal policy and administrative changes are to be announced, as well as prior consultation regarding changes in appropriations. Federal agencies also should improve their communication with State units on aging to provide advance clearance of direct Federal grants to individuals, organizations and agencies.

10. A special committee on the aging should be established in the United States House of Representatives, functioning in a comparable role to that of the United States Senate Special Committee on Aging.

11. National priorities must be re-ordered so as to allocate a greater share of our nation's resources to meet the needs of its older citizens.

12. Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this WHCoA, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

#### SUMMARY

The preceding policy proposals of the Section on Government and Non-Government Organization clearly indicate the need and mandatory responsibility for every level of government, as well as of the private and voluntary sectors, to see to it that the organizational structures are revised to make possible effective implementation of the proposals and concerns of all of the other Sections of the Conference.

The policy proposals repeatedly stress the need for ongoing advocacy at all levels of government and within the private and voluntary sectors. Also, relatedness and communication are recognized as essential ingredients of implementing plans for the elderly. Finally, these proposals place strong

emphasis upon a focal point at the top level, within Federal, State and Local governments, which will ensure the most effective support by both the executive and the legislative branches of governments, and thereby of all private and voluntary agencies and organizations.

#### PLANNING

Many Americans have found their later years to be a time of new opportunity, fulfillment and growth. It is the belief of the Section on Planning that thorough and sound planning in aging is most important if such an old age for most Americans is to become a reality.

Planning in aging is a process through which our society must determine those steps to be taken in achieving the goals and objectives of both older persons and those who will one day be elderly. Planning for the future is the real means of changing the conditions of old age for the better. Planning must include both the forming of goals and a weighing of the advantages and disadvantages of any plan of action. Good planning requires knowledge of needs, resources and priorities. Information based on solid research is a basic tool in good planning.

Too much of our planning for aging has been on a short range basis—going from crisis to crisis. While some movement toward long range planning has been made by a number of both governmental and private groups, many feel that short-term patchwork planning has characterized planning efforts.

Planning which aims at the long range needs of the elderly and attempts to look into the future to anticipate needs which may arise in years to come is needed. Many of the needs of our present older citizens will be the same as the needs of Americans who are now young. When they are older, some needs may be different. Great social changes which may take years to accomplish may be needed. Inflation, over-crowding, population growth, environmental concerns, mobility and the growth of government and the lessened ability of an individual citizen to plan for the future makes planning needed for today, tomorrow and for years to come.

Planning must not be confused with delay. It must never be used as an excuse for inaction. We must understand that "action now" is not contrary to the need for long range planning. Instead, the funds spent on good planning mean that the programs which are developed are meaningful, well thought-out and truly effective. More, rather than less, time and money may be needed.

Our nation is constantly setting goals for itself in all areas of national concern. In the field of aging, as in other areas of concern, the priorities which we as a nation set, are most important. Indeed, the very place that we give to the needs of our elderly today and in the future will be determined by the action we take now. Planning without action would be a cruel hoax. Action without planning would be an expensive exercise in futility.

The following policy proposals represent the feelings and attitudes of delegates representing all sections of America. Elderly Americans, planners, citizens involved in both the planning and delivery of services to the elderly were represented as in each section of the conference. Planning to identify and state the needs of the elderly; planning to develop methods of meeting those needs; planning to find the means to generate support and galvanize the nation to action—each step of the way needs clear guidelines. The policy proposals herein may assist in finding our way.

#### Policy proposals

1. To be responsive, planning must involve inputs from many segments and sectors of our society. To be effective, this planning must be comprehensive and coordinated.

The planning efforts of government should continue to constitute the basic means through which the nation plans in aging. We recommend that government at all levels be required to provide opportunity for significant involvement of the non-governmental sector and consumers in the decision-making process.

2. A separate entity should be created within the Executive Office of the President through legislation and charged with the responsibility for comprehensive planning and advocacy in aging.

This entity should have resources (e.g. authority, funds, staff) adequate to meet this responsibility. The Administration on Aging should be retained within the Department of Health, Education and Welfare, but it should be raised to the status of an independent agency within the Department, reporting directly to the Secretary.

There should be an interdepartmental committee with representation at the Secretarial level to be chaired by the senior Federal official on aging.

3. There was recognition of the urgent need for a commitment within each State government to provide comprehensive planning in aging.

It is recommended that this could best be realized by the establishment of a separate entity dedicated to comprehensive planning in aging within each State government.

The leadership planning mechanism at State and local levels should, to the extent possible, parallel the mechanism at the Federal level.

Where appropriate, such planning at the local level should be undertaken on a regional, e.g., multi-county basis.

Comprehensive planning at the local level should be encouraged but the mechanism left to local option. This effort should embrace a partnership between the governmental and voluntary sectors of our society.

4. Adequate technical assistance and consultation in planning for meeting the needs of the elderly shall be provided in territories, possessions and other non-State jurisdictions of the United States.

5. Planning activities in aging of the three levels of government should be related to each other, and planning at State and local levels should receive financial support from the Federal Government.

In order to insure that coordinated comprehensive planning functions at State and national levels are meaningful and effective, priorities and service needs should be identified at the local level. Federal funds should be provided for local planning in aging and be channeled through State units on aging which in turn will allocate funds to regional and local planning bodies for this purpose.

Federal agencies should be directed to assure that any Federal planning grants which have implications for human services, whether made to States or localities, shall require specific planning for the special needs of the aging. During all planning stages, the development of the plan shall be coordinated with the State agency on aging.

There should be basic mechanisms established to provide coordination of planning activities in aging at all three levels of government and across Department lines. These should include regional forums organized by the Federal Regional Councils, and system-

<sup>1</sup>A minority report based upon a vote of 37-32 on this paragraph provided for conclusion of the paragraph as follows: "planning agencies at all levels must be responsive to needs and priorities identified at the local level. In general, Federal funds should be provided for local planning in aging and channeled through State units on aging, which in turn will allocate funds to regional and local planning bodies."



atic Federal and State evaluation of planning in aging.

In order to allow maximum flexibility at the State and local levels for innovation, Federal funds in the form of bloc grants without restriction should be set aside for long term planning in aging.

6. The planning mechanisms that have been developed in communities and at the State and national levels should increase their efforts to make multigenerational programs and services more responsive to the concerns of older persons and more effective in meeting their needs. In instances in which multigenerational programs and services cannot be made responsive enough to meet the needs of older persons, new or expanded programs planned specifically for the elderly should be developed.

7. Planning in aging should be based upon experience and expertise of professional and paraprofessional personnel and specialists in aging with the total involvement on an early and continuous basis of a majority representation of the elderly, including racial and ethnic minority groups. This involvement should be guaranteed in all planning for the elderly at the Federal, State and local levels. Age alone should not be the ruling factor in planning; thus, middle-aged and young persons should be included.

8. The Section expressed grave concern about how the elderly might fare under revenue sharing arrangements. However, if Federal revenue sharing is enacted, enabling legislation should provide for protection of the interests of the elderly.

9. Racial and ethnic discrimination and its attendant consequences have condemned substantial numbers of minority elderly to low levels of income and inadequate health and housing provisions. Too often, these minority groups of the elderly have not had the resources or capacity to stand up for their rights, nor have governmental agencies and citizens' organizations adequately served as advocates for them. Therefore, planning for aging must take priority cognizance of the above problems and seek to correct and eliminate them.<sup>2</sup>

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

10. If planning is to be more than an exercise in rhetoric, it is imperative that:

- (1) there be appropriate authority, responsibility, and accountability; and
- (2) that there be bridges linking those who plan programs, those who administer programs, and the consumer.

To these ends we recommend:

- (1) that the Federal planning organization must annually review and publicly report on its proposals;
- (2) that the Federal planning organization shall review proposed legislation and executive activities to evaluate their possible effects upon the status of elderly persons;
- (3) that administrative agencies annually evaluate and report on the effectiveness of their programs;
- (4) that Federal agencies be empowered to take steps to insure that Federal programs administered at the State and local levels are in conformity with stated guidelines and objectives of programs;
- (5) all planning should include the use of existing private resources, both proprietary and non-profit.

11. Planning should be linked to the budget process and therefore, we recommend that a

copy of the planning and priority strategies for the elderly be submitted to the elected and executive public officials who have a direct role in the budgeting and appropriations processes.

12. In the final analysis, planning in behalf of aging stems from the basic values of society. Those values are translated into goals, objectives and priorities. As planning for aging proceeds, it will be necessary to address these values and priorities. In planning the allocation of resources, we urge that the aging receive a fair share of national wealth. This should be accomplished through a reordering of priorities at all levels to increase the commitment of national resources to meet human needs.

#### RESEARCH AND DEMONSTRATION

##### Introduction

To cope with the problems of older persons we must understand the nature of the difficulties they face as well as the nature of the aging process in its various biological and social-behavioral dimensions. Research, demonstration, and evaluation are basic tools by which a society produces the knowledge it requires to deal with the problems of its people and to improve the quality of individual life.

Industry has long recognized the importance of research and has typically allocated from two to ten percent of its industrial operating budgets to research and development. In governmental programs, just as in industry, research is required to achieve accountability, cost-efficiency in quality, and utilization control. To achieve these objectives, substantial research is necessary, in aging as in other areas, yet government research in the aging area remains at an impoverished level.

A. The principal reasons for this critical state of affairs appears to be:

1. A long history of governmental and societal neglect of its responsibility toward the elderly.
2. An inadequate level of funding for immediate and long-range programs to improve the quality of life for older Americans.
3. An inadequate administrative structure to advocate, coordinate, implement, and administer research programs involving aging and the aged.

Recognizing this past neglect and urgent current needs, we affirm that the time has come to accelerate research efforts aimed at understanding the basic processes of aging and alleviating the suffering of those who encounter difficulty in adapting to this phase of life. For the above reasons, the total federal research and demonstration expenditure on problems of the aging must be increased. Research and demonstration serve a pivotal role, and we advocate a greatly expanded funding base for this purpose. Equally important is the development of an overall, integrated, consistent funding strategy which will permit the problems of aging to be addressed in a balanced and coordinated manner encompassing both the bio-medical and social-behavioral sciences. We cannot separate the improvement of the quality of life from the understanding of the bio-medical and social-behavioral origins of aging and the aging process. In addition, there must be provision for theoretical research which will prepare us for aging in the future.

Research and demonstration on problems of the aged must take into account the fact that significant differences in aging processes exist within an individual, between individuals of the same age, and between various age groups. We should give special consideration to the unmet needs of older Americans who belong to minority groups and those with special problems, e.g., the impoverished, the rural, the isolated, and the mentally ill. Retired technical and scientific personnel should be utilized in research. While women are not a numerical minority, they are under-

represented in high-level research and academic positions and should be given representation at decision-making levels in research and demonstration.

B. In an effort to give greater visibility, impact, and opportunity for practical implementation of these research principles, the Delegates to the White House Conference on Aging Section on Research and Demonstration recommend the following policy proposals:

1. that a National Institute of Gerontology be established immediately to support and conduct research and training in the bio-medical and social-behavioral aspects of aging. The Institute should include study sections with equitable representation of the various areas involved in aging research and training.

2. that the President propose and that the Congress create a position within the Executive Branch with sufficient support and authority to develop and coordinate, at all levels of the Government, programs for the aged, including research and demonstration programs, and to oversee their translation into action.

3. that a major increase in Federal funds for research, research training, and demonstration be appropriated and allocated. Appropriation of general revenues for programs in the interests of older persons should contain additional funds amounting in the average to no less than 3.5 percent of such expenditures, these additional funds to be allocated for research, demonstration, and evaluation. Federal support of research and training in separate departments or schools within universities and separate research agencies should be continued and multi-disciplinary and multi-institutional programs should be fostered.

4. that funds for research, training for research, and demonstrations should be allocated in the aggregate in such a manner that the above activities relevant to aging and the aged in racial and ethnic minority groups be funded in an amount not less than their proportion of the total population. Attention should be given to the recruitment and training of minority group students to become competent researchers in gerontology. Minority groups would include but not be limited to the following: Blacks, Spanish-language Americans, American Indians, and Asian-Americans.

##### Additional recommendations

1. High priority should be given to the recruitment and training of capable women and the representation of such women in bodies which have responsibility for allocation of training and research funds.

2. The Administration on Aging or other appropriate clearing house should be charged with and allocated adequate resources for collecting and disseminating current research findings in the field of the aging and for making these findings relevant and available to practitioners.

3. Appropriated federal research, demonstration, and training funds should be appropriated and allocated promptly; and programs for which such funds are appropriated, whether intramural or extramural, should be implemented with adequate staff without delay.

4. More adequate procedures should be developed within the Federal Government to assure the continued operation and funding of those Federally funded demonstration projects which have been proven successful after evaluation.

##### TRAINING

Older persons continue to increase in numbers. Their needs have not been met because we have failed to act. There is, therefore, an immediate urgency to deal with these matters. The resolution of these significant human problems requires a large cadre of personnel trained in and committed to the field

<sup>2</sup> A minority report based upon a vote of 22-19 on this paragraph provides for substitution and deletion of the sentence, "Therefore, planning . . . and eliminate them" and inclusion of a substitute sentence reading, "Therefore, planning for aging must take special cognizance of institutionalized prejudice".

of aging. What is necessary is the development of innovative and creative programs to provide training for the total range of occupations providing services to older persons, and specifically for professional and scholarly programs preparing people to work in the field of aging. As new service delivery systems are developed new modes of training and new types of personnel will be required.

In considering the training requirements for services to the older population, we are still mindful of the fact that adequate income maintenance and sufficient health care are basic necessities. There is a need for a minimum income level which will lift all older people out of poverty. Furthermore, we are also convinced there is presently urgent and massive need for expansion of programs which will provide employment opportunities for the elderly in constructive activities.

At present there is little training and education in the field of aging. During the 1970's the task facing those who are responsible for training is one of substantially increasing the amount of training available. While there has been some progress and there are high quality programs in a few locations, most States do not have any appreciable amount of training of any type related to problems of aging.

The need for training exists at different levels for many types of persons and for many types of subject matter. Retired persons, mature adults, students making career choices, volunteers, and members of minority groups must be recruited to work in aging and trained for this work. The decade of the 1970's is the decade in which major plans for training must be put into effect. Alternatives must be evaluated so that the following decades will be marked by a notably higher level of training and consequent improvement of programs for the aged.

Crucial to the national effort to provide training at all levels is the development and implementation of programs to train the trainers. Research now provides a base of understanding and learning which makes it possible to develop meaningful, specifically designed programs for further training in aging.

The following are the recommendations and policy proposals emanating from the Section on Training of the 1971 White House Conference on Aging:

#### *Recommendations and policy proposals*

No. 1: A fully developed training policy must focus on both the immediate needs of the present aged population and the future needs of the aging, through innovation of far reaching policies and programs. To accomplish the training of needed personnel, the present levels of funding in all government agencies concerned with aging must be substantially increased immediately in order to increase the supply of all types of manpower: technicians, para-professionals, professionals, planners, researchers, teachers and volunteers. Training must be conducted in appropriate settings both within and outside of educational institutions.

No. 2: Given that training in aging is lagging seriously behind the proven need, there is consensus that responsibility for the development of a vigorous national plan and continuing monitoring of training of manpower in aging should be lodged in a new Federal agency for aging adequately financed and with the power to coordinate all federally supported training programs in aging.

#### *Minority position*

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 3: In discharging its responsibilities, the new Federal agency should include representatives of training organizations, private non-profit foundations, scientific and

professional organizations, organizations of older and retired persons, and other concerned groups in all planning bodies which formulate policies on training.

#### *Minority position*

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 4: Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, and research and training should be fostered in a wide range of colleges, universities and other institutions. Innovative and experimental efforts in training must be encouraged. Each center should develop a network of effective relationships with other educational and service agencies to disseminate information and promote implementation of activities in aging.

No. 5: In addition to increased Federal support for training programs in aging there should be an acceleration of support for training in aging from state appropriations, foundation grants, private donations, and regular agency budgets. All service programs for older people should contain earmarked funds for the training of personnel.

No. 6: Funds for recruitment and support of personnel to be trained in aging should be allocated without priority based on sex or age. Special inducements—traineeships, scholarships, tuition grants, loans—should be offered in order to recruit personnel (particularly those from ethnic and minority groups) into careers in aging.

No. 7: Because of the needs and problems that exist among the aging of the economically and socially disadvantaged, funds should be earmarked at all levels of training and research for Blacks, Chicanos, Puerto Ricans, Asians, Indians, and other disadvantaged groups. All training programs funded on Federal, State and community levels should actively recruit faculty and trainees from these groups.

No. 8: In order to develop adequately trained persons in health, allied health, and other professional fields such as law, architecture, social work, etc., subject matter on aging must be inserted into pre-service and in-service curricula of professional schools immediately. In addition, emphasis should be placed on the development of community college level certificate and degree programs and programs in vocational and technical institutes as well as other local programs for personnel who deliver services to the older population. Teacher training programs should include positive concepts regarding the aging process and the older person for incorporation into elementary and secondary school curricula.

No. 9: We urge the creation of an adequately funded National Institute of Gerontology for trained and research. A substantial portion of the funds allocated to it should be earmarked for training.

No. 10: A national data bank and retrieval system similar to or parallel with the Education Research Information Center (ERIC) should be established to convert, translate, interpret, and make available all research knowledge and curriculum materials in aging to all training and research and demonstration programs.

No. 11: Recruitment and training will be to no avail if there is no corresponding increase in services. Therefore, recruiting should be related to useful job opportunities. Financial support for new service positions should be provided in balance with support of training programs.

#### *Minority position*

One fifth of those delegates voting were opposed to this recommendation for a variety of reasons.

No. 12: To insure the dedication of the Federal Government and our country in this

period to life as opposed to death, we strongly urge Congress to reorder its priorities and divert funds from the military to human needs.

#### *Minority position*

One fourth of those delegates voting were opposed to this recommendation.

#### *A. AGING AND BLINDNESS*

##### *Introduction*

Since the American Foundation for the Blind participated actively in the 1961 White House Conference on Aging, we have a deep appreciation of its constructive impact in generating increased public awareness and concern for the unmet needs of our aging population and in stimulating a larger use of our nation's resources in meeting these needs.

We, in collaboration with other national, state and local organizations of and for the blind, do appreciate an opportunity to share with you our special concerns. As reported by the National Society for the Prevention of Blindness, approximately half of the estimated 500,000 legally blind persons in the United States are 65 years of age or older while two thirds are past middle age. Moreover, the majority of all new cases of blindness each year fall within the same age bracket. Despite these facts, most of our efforts, in both the governmental and private sectors, have been directed to blind children and to blind adults of employable age. Only recently have we begun to consider the needs of the older blind person.

Another aspect of our special concern stems from our philosophical belief in the desirability of helping blind persons to achieve their fullest potential as integrated members of their community. While this belief in no way contradicts the need for specialized and often separate services for persons who are visually handicapped, there is an equal need to insure the availability of general community services. Within this context, our hope is that blind persons—in fact all handicapped individuals—will become beneficiaries of the rapidly expanding programs and services for older persons in such fields as health, nutrition, housing, recreation, employment, continuing education, etc. It often takes little if any adaptation to implement this concept, but unfortunately it rarely occurs automatically, i.e., without continuing interpretation, education and planning.

In summary, we urge that the 1971 White House Conference give a high priority to the question of how handicapped persons, especially those who are visually handicapped, can be more effectively integrated and served by the ever-increasing number of special programs for older persons. As Senator Jennings Randolph of West Virginia stated in his keynote address to the Special Concerns Session on Aging and Blindness, "It is clear that we must change attitudes toward the blind. We must provide opportunities for normal living in society; not charity, but a chance. I fear that there is widespread misconception about the abilities and aspirations of elderly blind persons."

Our specific recommendations follow:

#### *Recommendation*

1. It is recommended that Congress increase old age, survivors and disability insurance and the adult public assistance categories to the intermediate level of living recommended by the Bureau of Labor Statistics (at least \$2,297 for a single person and \$4,185 for a married couple) and further that the adult categories of public assistance be federalized and that Social Security benefits not be deducted from public assistance payments.

#### *Recommendation*

2. It is recommended that the National Eye Institute and other interested organizations



on a national and local level combine their efforts in an urgent overall program to prevent or alleviate diabetic retinopathy; establish a center for the study of diseases of the macula, and increase research efforts in the fields of cataract, glaucoma and vascular diseases of the eye; establish screening efforts especially at hospitals, medical centers, homes for the aged, nursing homes, and extended care facilities to find aged patients who have blinding eye diseases which can be helped by medical or surgical means and low vision aids. Such efforts should be made by interested philanthropic organizations and implemented if necessary by legislative action.

It is further recommended that the National Eye Institute be required to develop better statistics on incidence, prevalence and etiology of blinding eye conditions that Congress amend Titles XVIII and XIX of the Social Security Act to cover low vision aids when the need is certified by an ophthalmologist or an optometrist specializing in low vision treatment; and that the number of low vision centers be increased and that the centers be staffed under the supervision of an ophthalmologist or a qualified optometrist.

#### Recommendation

3. It is recommended that the Vocational Rehabilitation Act be broadened to make rehabilitation services available to blind persons without regard to age or economic need and that Congress be urged to enact S. 1030, a bill to amend the Vocational Rehabilitation Act to provide rehabilitation services for older blind persons, and S. 2506, a bill to amend the Randolph-Sheppard Act, to accomplish these purposes.

#### Recommendation

4. It is recommended that the elderly, including the blind and handicapped, must have access to all modes of mobility and transportation for obtaining the essentials of daily living and the cultural and social benefits of modern society.

#### Recommendation

5. It is recommended that the Administration and Congress develop a network of personal care benefits for individuals with a certain level of functional disability to enable the older person to purchase whatever services are necessary to help him remain in his own home if he so wishes; such benefit is to be in addition to basic minimum income and assure a financial base for local community service providers.

#### B. AGING AND AGED BLACKS

##### Introduction

Participants in the Special Concerns Session on Aging and Aged Blacks and the National Caucus on the Black Aged overwhelmingly approved the policy recommendations which follow, while deploring the insufficient space allocated for a fuller reporting of those recommendations which need to be enacted and implemented in order to improve substantially the lives of aging and aged blacks who are often adversely affected by racism. It was also felt that significantly more attention should have been given to the needs of aging and aged blacks in the formulation of issues presented in the workbooks for discussion and action. The jeopardizing status of being black and old and poor (and the quadruple status, if female) must be removed as quickly as possible. Immediate steps in that direction clearly include enactment of major policy recommendations relative especially to income, health, and housing. Blacks must be adequately represented at all levels throughout policy-level bodies and program groups relative to aging and aged persons. At least 11 percent of all federal funds allocated for research, training, and demonstration in

aging during each fiscal year in the decade ahead should be earmarked specifically for blacks.

#### Recommendations and comment

1. It is recommended that all of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks which are attached be printed as a part of the preliminary report of the White House Conference on Aging.

This policy should be pursued for a number of reasons, with the most important justifications being that at least proportionate pagination should have been allocated for various sections, depending upon the heterogeneity of special concerns assigned to them and that inasmuch as almost all of the issues presented for consideration on the printed workbooks for this White House Conference on Aging made no specific reference to blacks whose aged statuses are yet handicapped by their racial statuses, sufficient consideration should be given to presenting the positions taken by blacks themselves on issues affecting them. The only way for all of the delegates at this Conference to have that information at least made available to them, as it should be for the recommendations to be presented in the preliminary report.

2. It is recommended that all of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks be presented to the appropriate Sections of the White House Conference on Aging for inclusion within their final sectional reports, and that at least one black representative participate in the finalization of such reports, where that may not already be the case. Preferably, that black representative should be a member of the National Caucus on the Black Aged, an organization extremely active in trying to understand and aid in the reduction of the adverse plights of black elderly.

3. It is recommended that a minimum guaranteed annual income of \$6,000 for a single aged person and \$9,000 for an aged couple be established, and that appropriate cost-of-living indices be attached, with the aforementioned figures as a base.

4. It is recommended that the minimum age-eligibility requirement for primary beneficiaries of OASDHI (Social Security) be reduced by 7 years for black males, so as to reduce the existing racial inequities.

5. It is recommended that the proposed National Senior Citizens Community Service Program be enacted and implemented, with sufficient consideration given to blacks at all levels.

6. It is recommended that the federal government initiate guidelines and policies to govern and enforce adequate standards of private pension systems and that a pension portability system be established for all workers.

7. It is recommended that the federal government should act to increase the supply of housing available to low and moderate elderly members of all minority groups through such measures as providing seed money and loans for the creation and support of non-profit minority housing development organizations. Provision should be made for technical assistance and 100% financing to develop housing to be available to the elderly of all races.

8. It is recommended that the federal government on a continuing basis require that all new and existing facilities for the aged report the extent to which they will or are actually serving minority groups. Facilities with poor records to be required to implement meaningful affirmative action programs or lose their federal assistance.

9. It is recommended that federal policy require the provision for low and moderate income elderly housing in all new cities, new communities, planned unit developments,

urban renewal areas, model cities areas and other similar developments which receive federal funds or assistance.

10. It is recommended that the federal government fund a system of fellowships and scholarships to low income students to provide education and inservice training in the development and management of nursing homes and other residentially oriented facilities. Program to include a representative number of trainees from all racial and ethnic groups.

11. It is recommended that federal government must allocate substantial funds for comprehensive nutrition action programs to rehabilitate malnourished aged and prevent malnourishment in those approaching retirement. These nutrition action programs must provide health-related components in addition to research components. In addition, all nutrition-health related research must have a service action component.

12. It is recommended that government resources allocated to nutrition should concentrate on providing food assistance to those in need. This food assistance program must be improved whether by Commodity Distribution or Food Stamps to make more commodities available to senior adults in more accessible distribution centers with transportation for seniors to and from the centers. Commodity foods must be packaged in smaller units for one and two person families to reduce spilling and food poisoning dangers. An adequate guaranteed income, however, should eliminate any need for the above for older persons would not be in poverty and would be able to purchase their foods in the usual, American manner.

13. It is recommended that at least 11 percent of all federal funds allocated for research, demonstration, and training in aging in any and all fiscal year during the next decade should be specifically earmarked for blacks.

14. It is recommended that the federal government ensure that blacks are adequately represented at all levels, national, state, and local, in policymaking levels and positions within each federal agency and their counterpart agencies (e.g., state agencies on aging), including staff and advisory councils. It is particularly important that sufficient black representation be secured at such high level places as top administration, review committees, and principal investigators of research projects or directors of demonstration programs involving any significant proportion of aging and aged blacks.

15. It is recommended that the establishment of a National Institute of Gerontology be supported, provided that it has a Division of Black Gerontology receiving approximately 30 percent of the total institute funds. If such a Division is not feasible, then we urge the establishment of an independent National Institute of Black Gerontology, sufficiently funded.

16. Black colleges in the South should be provided with sufficient funds and programs to produce black students trained (A.A. and B.S. levels) in areas relative to gerontology and geriatrics; all schools in the U.S. must include sufficient black representation within the student body and faculty in gerontological programs; and all curricula in such areas as Medicine, Law, Dentistry, Pharmacy, Nursing, and Social Work should include specific course materials relative to blacks.

17. It is recommended that government at every level become a strong advocate for the black elderly, serving to identify their needs, promote programs of public education and interpretation of the needs and how those needs should be met, etc. Adequate black representation would be involved on every level; further, that government would provide financial resources to black, nongovernment organizations having capabilities for

servicing blacks more efficiently than is presently the case; and that greater emphasis be placed upon nongovernment (private sector) responsibility for meeting the needs of elderly blacks.

18. It is recommended that Medicare coverage should be expanded and improved to provide coverage for home care, long-term care and extended care without prior admission to an acute care hospital, expanded coverage for home care, coverage for out-of-hospital drugs, removal of the 100-day limit on skilled nursing home care for those patients who continue to need such care; that parts A and B of Medicare be merged and all deductibles and copayments be eliminated, and that services previously excluded (such as foot care, eyeglasses, eye refractions and examinations for eyeglasses, examinations for hearing aids, false teeth and dental care, other prostheses, and out-patient psychiatric care) should be included; that medicare coverage should be expanded to include disabled Social Security beneficiaries; that front-end financing from the Medicaid Trust Fund be utilized to develop senior citizen day care centers and a full range of geriatric health service centers, including community health outreach workers, transportation, information referral and advocacy services and that these centers should be owned and operated by nonprofit indigenous community corporations; that the Administration on Aging should identify and design and support opportunities for older persons to render services to their communities; that the Administration on Aging and any or all public and private agencies should join together in a cooperative effort to develop programs of technical and financial assistance for local community groups in order to provide daily meals to ambulatory older persons in group settings and to shut-ins at home; that the two billion dollars spent yearly by the federal government for private nursing home services should be diverted to nonprofit social utilities and homes for the aged sponsored by religious organizations, benevolent organizations, community corporations with joint consumer control and equity by a representative number of the elderly receiving services; existing nursing homes and long-term care facilities owned by black nonprofit sponsors should be given grants and low interest bearing loans for renovation and construction to meet minimum state and Federal standards; that the archaic practice of static custodial care in institutions where the elderly go to "lie and die" is self-defeating, inhuman and economically unsound, so we recommend the development of a "Socio-Medical Approach" utilizing progressive patient care techniques (phased intensive, intermediate, minimum care, rehabilitation, resettlement—joint effort of the health team) integrated with community support to maintain the elderly in their chosen environment, with those services including but not being limited to home health services, occupational and physical therapy, recuperative holidays, meals on wheels, day centers, recreational clubs, ambulance and transportation services; and that the following new trends in long-term care should be researched and implemented wherever feasible: holiday admissions (the voluntary admission to nursing homes/extended care or appropriate facilities during the families planned vacation); short-term admissions (a program providing for intermittent two week admissions of the aged patient every four months) and day hospital (the utilization of a unit combining medical and nursing care, physical and occupational therapy together with a noon meal for the aged).

19. It is recommended that the implementation of health care legislation should be uniform and mandatory and not dependent upon matching state funds or voluntary participation of individual states.

20. It is recommended that wherever feasible

within the black community, comprehensive health services should be delivered through a community health corporation composed of indigenous consumers and providers rather than the traditional approach (medical schools, public health departments, and medical associations, etc.). This health corporation should secure significant input from informed and relevant consultants within or without their community. The above will insure that equity, cultural relevance, as well as self-sufficiency, and self-respect become the end product.

21. It is recommended that research in experimental health delivery systems should be conducted to determine the best method of financing comprehensive geriatric services. Arrangements might include front-end financing from Medicare trust fund, Medicaid appropriation from neighborhood health centers, or a combination of social insurance and general tax revenues for Health Maintenance Organizations, etc.

22. It is recommended that opposition be given to the following the restrictive provision of H.R. 1: medicare cutbacks, and Medicaid cutbacks.

23. It is recommended that the Federal government should provide through appropriate training programs realistic and effective opportunities for elderly blacks to further without cost to them their educational goals.

24. It is recommended that the administration of the proposed program provide for funding support to institutions for such training projects or stipendiary and tuition costs to be paid directly to the elderly to enroll in courses or curricula of their choice wherever available.

25. It is recommended that the federal government should sponsor a consortium of minority clergymen to seek concerted action within all churches and the community to eradicate racism from our society.

26. It is recommended that inasmuch as insufficient data are available on aging and aged blacks from all federal agencies collecting and interpreting such data, that it be mandatory that all such agencies be compelled to collect data from a sufficient sample size to ensure that multivariate analyses providing greater information on patterns and processes of aging can be undertaken. Moreover, we urge the training of a sufficient number of black statisticians, including biostatisticians to aid in the adequate interpretation of data. The federal government is urged to provide us with a report on aging and aged blacks at regular intervals; to shift from a ten-year to a five-year census format, and to report data fully for blacks without inclusion in a category of "non-whites."

27. It is recommended that sufficient attention be given to the establishment of nursing homes for black elderly who need such facilities and that such homes be staffed with competent personnel with adequate knowledge, understanding of, and respect for their subcultural backgrounds; and that the costs of such care be at a level in line with their income resources; and that private and public nursing homes yet practicing racial discrimination be made to conform to standards of compliance with non-discriminatory policies by race. It is most important to indicate that the greater problem for black aged is not that of how to stay out of a home, but how to get in one.

28. It is recommended that since planning is so critical, there should be comprehensive and well-integrated planning for aging and aged blacks at all levels, and that blacks and the aged themselves must be effectively involved in such planning. That planning must recognize that racism, poverty, and ignorance may well be major roadblock and must seek to remove these obstacles by all means possible, for blacks have too long been planned for. Effective black involvement in planning

must also include planning for and involvement in the structuring and implementation of the system whereby policies and programs will be developed for all of the aged and infirmed of this nation. The resources are here, they are here now. We simply must put them to appropriate use.

29. It is recommended that the federal government should establish or subsidize transportation systems which will provide services at lower rates and have reasonably operating hours in all areas where black elderly reside.

30. It is recommended that black older citizens must be heavily involved in all of the focal points of planning where decisions are being made at the federal level with regard to the delivery and utilization of services, including the integrated approach to community services and the use of public facilities. It should be federal policy to make sure that regulations which serve as guides for implementing legislation include instructions for use and location of facilities in areas where black elderly have adequate access to them.

31. It is recommended that the category of Old-Age Assistance (OAA) should be deleted from Social Security, inasmuch as the majority of blacks receiving such aid are those who were denied sufficient participation in Social Security and in the labor market in their earlier years. They should merely be eligible for OASDHI, for all workers in this country and their family members can and should be adequately covered by that system, without the stigmatization arising from OAA.

32. While we strongly support efforts made to provide meaningful employment for those who are old and black who desire labor force participation, we feel that old blacks who do not desire to work should not have to engage in employment only to supplement their meager incomes, but, in line with other recommendations, should be guaranteed a sufficient annual income.

33. It is recommended that when the President's Domestic Council (or whatever agency makes the final recommendations on aging to the President) considers the various policy recommendations, that that body have at least proportionate representation from blacks in the form of staff members and consultants, and that a copy of the action taken on all of the recommendations made by the Special Concerns Session on Aging and Aged Blacks be forwarded to Mr. Hobart C. Jackson, Chairman, National Caucus on the Black Aged and Advisory Council on Aging and Aged Blacks to the U.S. Senate Special Committee on Aging within a reasonable period of time and before any action is taken to make recommendations from the President to the U.S. Congress.

34. All federally funded demonstration programs must be required to evaluate themselves and adequate funds be built in to provide for evaluations by outside, independent agencies in order to determine the effectiveness of the programs and need, if any, for continuation of such programs.

#### C. ASIAN AMERICAN ELDERLY Introduction

In the United States today, elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people. In addition to the many critical problems that face the 20 million senior citizens in the United States, Asian American elderly are further confronted with cultural barriers that exclude them from receiving their rightful benefits.

Language problems created by lack of bilingual information systems and the lack of bilingual service workers deny Asian American aged even the knowledge of how to obtain such benefits. But most of all the Asian American elderly are severely handicapped by the myth that pervades the society at



large and permeates the policy decisions of agencies and governmental entities that are charged with the responsibility of helping all the aged in the United States.

This emasculating myth that discriminates against Asian American elderly is that Asian American aged do not have any problems, that Asian Americans are able to take care of their own and that Asian American aged do not need nor desire aid in any form. Such assertions which are generally accepted as valid by society are false. A quick look at Asian American communities would verify that they do indeed have problems and the problems in many respects are more intense and complex than the problems of the general senior citizen population. When the Asian American aged suicide rate in certain areas is three times the national average, when 34% of Asian American aged who were studied have never had a medical or dental examination, it should be obvious that the problems facing Asian American aged are overwhelming to the point that it is impossible for Asian American aged to look only to their families for help.

However, those who hold the responsibility to assist in these areas have turned their backs on the Asian aged. For example, in 1969-71 some \$32 million was appropriated for community grant projects for the aged which included informational services, health care, and aged assistance (many of the areas that Asian American elderly need the most). Of this \$32 million not one dollar was given to Asian American communities for their aged problems. The reason, according to the government officials, was Asian Americans don't have problems.

So pervasive is this myth that the planners of the White House Conference on Aging, the group most knowledgeable in the area of aging needs, failed to include a Special Concerns Session for Asian American elderly as part of its original agenda. While the planning for other Special Concerns Sessions have been in process for many months, the decision to hold a special Concerns Session for Asian Americans was made only one month prior to the Conference and only because a special request was made by concerned Asian Americans.

This oversight is typical of the neglect that Asian American elderly face on all fronts. Within the confines of the short time given to prepare for this Conference, concerned Asian Americans were able to readily identify many specific and crucial needs that are crippling the Asian American elderly. The following policy recommendations represent some examples of the myriad of problems that are devastating Asian American elderly people.

Asian American delegates support the many recommendations that the Conference as a whole have proposed for the benefit of all senior citizens. However, history has demonstrated again and again that Asian American elderly are among the people most neglected by programs presumably serving all elderly. We demand that the following policy recommendations be implemented to insure that Asian American elderly receive their rightful opportunities in this nation.

#### *Research and demonstration*

##### *Recommendation 1*

Federal funds for research and demonstration projects to determine how older Asian Americans can be effectively assisted based on their needs, cultural differences, values, and desires should be expanded and should involve researchers of Asian background. The findings from such efforts should be disseminated to policy makers, program planners, and service providers.

#### *Rationale*

Information on older Asian Americans must be collected so that a national policy on aging is truly responsive to and representative of all older Americans.

#### *Program issues*

Research and demonstration projects should identify the older Asian American (e.g., where they reside, what their characteristics are) and should be supported by agencies such as the Department of Commerce (Bureau of the Census), the Department of Health, Education and Welfare (HEW), and the Department of Labor (DoL).

Special research and training services for the investigation, study, and treatment of medical diseases peculiar to Asian American elderly (i.e., incidence of sickle cell anemia affecting Samoans) should be conducted.

Special research studies relating to the disproportionate number of Asian elderly in mental institutions should be initiated.

Demonstration grants should be provided for the training of researchers to deal with the problems of older Asian Americans.

##### *Recommendation 2*

Federal (such as Department of Housing and Urban Development HUD, DOL, Department of Transportation DOT), state, (such as Commissions on Aging, public welfare, departments of human resources) and local governments and private organization grants which provide assistance for the elderly should reflect the diversity of the Asian American groups.

#### *Rationale*

Because persons of Asian ancestry are lumped under the heading of Asian American or "Oriental", it is assumed by many that all Asians are alike. In reality, the cultural differences between the basic Asian American groups (Chinese, Filipino, Korean, Japanese, Samoan) are as different as the five different languages they speak. It is unrealistic and wishful thinking to assume that the small enclaves of Asian American elderly will be reached by massive grants to the county or state for all elderly persons. Grants aimed at specific pockets of ethnic groups would more likely reach elderly Asians.

#### *Program issue*

Federal, state, and local governments in mutual cooperation with the Asian community should establish and fund in those states and localities where Asian Americans are concentrated, outreach programs to provide information, referral, and advocacy services, including resource persons, transportation assistance, drop-in centers—all of which reflect the cultural differences and preferences of the Asian American elderly.

#### *Services*

##### *Recommendation 1*

Public and private agencies should provide older Asians with support services (e.g., home care assistance, transportation, health screening, etc.) in their own communities which have been traditionally provided by the family. In doing so, recognition should be made of family structure and kinship networks among Asian ethnic groups for the purpose of building on these rather than imposing or allowing totally strange service delivery systems.

#### *Rationale*

Traditionally, services such as transportation, home care, financial support, and housing have been provided by the family of the older Asian. Resulting from changes in family structure and an increasing need for diverse services (e.g., health care, housing, etc.), the Asian elderly cannot continue to look solely to his family to have needs met.

##### *Recommendation 2*

On-going service projects such as senior citizen centers and multi-purpose service centers which are designed to meet the special needs of older Asian Americans should be established in communities of elderly Asian Americans; and Federal, state, and local assistance should be made available to

support these either in full or on a matching basis.

#### *Program issue*

Programs should provide bilingual bicultural staffing; recreation, leisure time activities geared to cultural interests; information and referral services; direct social services; elderly self-help programs; youth and elderly mutual assistance programs; and educational programs and services for the Asian elderly and for training personnel to work with Asian elderly.

##### *Recommendation 3*

Continued Federal support of existing programs should be contingent on reexamination and revision to assure that they are responsive to the needs of elderly Asian Americans through the use of bilingual workers for outreach and advocacy services.

#### *Housing*

##### *Recommendation 1*

HUD should acquire land in Asian American communities using condemnation procedures if necessary and create housing programs for the Asian elderly with related life support services on a crash basis.

##### *Recommendation 2*

The Federal government should provide special funding to meet the needs of elderly Asian Americans for new housing by providing loans to Asian American nonprofit organizations to develop housing with attention to cultural preferences.

##### *Recommendation 3*

HUD should provide substitute housing to Asian elderly, who live in substandard congregate housing, in the same community to prevent environmental displacement.

##### *Recommendation 4*

The government should institute rent control and rent increase exemptions to Asian American elderly.

##### *Recommendation 5*

All efforts should be made to maintain Asian elderly in their own homes, if they wish to remain there, with collateral life support services rather than having them go to an institutional setting.

##### *Recommendation 6*

The Federal government should initiate a substantial tax incentive to the younger generation who can provide housing and/or other supportive care for their Asian elderly relatives.

##### *Recommendation 7*

Federal, state, and local funds should be made available for establishing nursing homes for elderly Asians which provide for bilingual, bicultural staffing, ethnic foods, family and individual counseling services, and recreation and leisure activities which are culturally related to Asians. Protective group or residential arrangements should be provided in the community where Asians are concentrated for those who can continue to live independently.

#### *Health*

##### *Recommendation 1*

In the development of a more complete range of health care (physical and mental) services for the aging through a national health insurance program, specific provisions should be established to meet the special needs of elderly Asian Americans.

#### *Rationale*

Elderly Asian Americans have health problems similar to those of all older person, but they have borne added burdens due to cultural and language differences which make accessibility to health care services difficult.

#### *Program issues*

Mobile medical outreach teams should be established to serve the Asian elderly in the

community. Such teams should be developed to relate to language and cultural patterns of the elderly Asian.

Public and private funding should be provided for health education of elderly Asians by the community through multiservice centers and regularly scheduled community information days.

#### *Income*

##### *Recommendation 1*

A Federal guaranteed annual income program for the elderly must be established if this nation is to meet the basic needs of elderly Asian Americans who are denied benefits related to "covered" employment (i.e., Social Security, pension programs) because of long-existing discriminatory employment patterns.

#### *Rationale*

Limited and fixed income levels for older Asians as provided by standard sources (Social Security, pension funds, savings) have been inadequate to meet their needs, especially health and housing costs. Furthermore, many older Asians have no sources of income whatsoever since they were employed in occupations (self-employed, domestic labor or farming) which are not covered by Social Security or private pensions.

#### *Program issues*

The involuntary and enforced period of time spent by Asian elderly (from the Japanese community) in concentration camps during World War II should be fully accredited as accumulated time towards the receipt of full Social Security benefits as well as other Federal benefits to which they are entitled.

All references to differential treatment of aliens with regard to public programs (i.e., public welfare programs) should be stricken.

Newly arrived elderly Samoans should be guaranteed their Social Security benefits derived from work in American Samoa.

The unique income-saving plans of the Asian elderly should be fully legitimized and safeguarded (e.g., Tannomoshi, Kei) by financial systems.

#### *Employment and training*

##### *Recommendation 1*

There should be continuation, expansion and innovation of placement, training, and job assistance programs for Asian elderly through state employment programs and special Federal programs for older people. Asian elderly should be employed as community workers to educate others. They should also work in public agencies, community organizations such as funded by SRS under the Older Americans Act (Titles III and VI).

Sheltered workshops for the Asian elderly should be developed.

#### *Training*

##### *Recommendation 1*

A Federal policy should be created emphasizing training of Asians who will work with older Asians. There should also be provisions for non-Asian workers to receive training which will enable them to work effectively with Asian elderly. As an illustration, support for training should be made available by SRS-HEW under Title V of the Older Americans Act.

#### *Rationale*

Most non-Asian workers currently serving the elderly are not aware of the needs and concerns of the Asian elderly. They are not able, therefore, to work effectively with them and have alienated the Asian elderly.

#### *Program issues*

Opportunities for bicultural, bilingual Asians to serve Asian elderly with special skills, understanding and knowledge should be provided.

Special training programs should be provided and conducted by Asian bilingual and bicultural workers for public agencies serving the Asian elderly.

#### *Education*

##### *Recommendation 1*

Educational institutions (public and private and at all governmental levels) should provide special and continuing education courses for elderly Asian Americans which will enable them to become more knowledgeable about services and programs that exist for all elderly and to learn about their unique cultural heritage.

#### *Rationale*

There should be a continuous effort made in all needs areas to educate the elderly, the public at large, and program and service personnel as to the differing needs and problems of Asian elderly.

#### *Nutrition*

##### *Recommendation 1*

Existing nutrition policies for older persons which receive Federal support should be reexamined and revised to include the cultural food preferences of the elderly Asian American.

#### *Rationale*

Nutrition programs for the elderly have failed to include special dietary and cultural preferences of older Asian Americans.

#### *Program issue*

The food stamp program as presently constituted excludes elderly Asians from purchasing ethnic foods. The food stamp program should be revised to include provision for the purchase of ethnic foods.

Meals on wheels programs for the elderly should be revised to meet the basic dietary preferences of older Asian Americans. Nutrition education programs should be provided for older Asian Americans which will assist them to plan well balanced diets using their own ethnic foods.

#### *Transportation*

##### *Recommendation 1*

Free public transportation should be made available to the Asian elderly which will enable full accessibility to culturally preferred life support services both in and outside the community.

#### *Rationale*

The special needs of elderly Asians for cultural and life support services necessitates transportation needs which currently are not provided in public transportation systems.

#### *Program issues*

Public and private funding shall be made available on a local basis to insure that elderly Asians will obtain equal freedom of mobility as the rest of the elderly.

Public funding shall be provided to voluntary organizations which provide transportation to the Asian elderly to meet their needs.

#### *Special concerns advocacy*

##### *Recommendation 1*

The Federal government shall establish a Cabinet Committee for Asian American Affairs which would include among its priorities the needs of elderly Asian Americans.

##### *Recommendation 2*

In all political jurisdictions where Asian Americans reside, the Committees or Commissions on Aging shall include Asian American representation. All agencies which directly effect the elderly in such jurisdictions shall appoint staff or retain consultants of Asian background who are knowledgeable about the needs and cultural preferences of Asian elderly.

#### LEGAL

##### *Recommendation 1*

In passing legislation and adopting regulations at all governmental levels affecting services to the elderly, no differentiation shall be made between aliens and citizens.

##### *Recommendation 2*

Free bilingual legal assistance must be made available to Asian elderly who wish to become naturalized citizens.

#### D. THE ELDERLY CONSUMER

##### *Introduction*

The delegates of the Special Concerns Session on the Older Consumer reaffirm the four basic consumer rights of all citizens:

- The Right to Safety.
- The Right to be Informed.
- The Right to be Heard.
- The Right to Choose.

In order to achieve and maintain these rights, the government and the private sector must effectively combine and direct their energies and resources toward that goal. Although the majority of the recommendations from this Conference are directed to government and voluntary agencies for their implementation, the consumer delegates are particularly concerned that business and industry cooperate with voluntary and government agencies to create an equitable, economical, accessible, and attractive marketplace for the older consumer.

The White House Conference on Aging Special Concerns Session stressed specific issues that would strengthen the older consumers position in the marketplace and which had not been addressed directly in other major sections. These issues are:

- I. Consumer Education and Research.
- II. Consumer Advocacy and Representation.
- III. Consumer Protection and Legislation.

##### *Recommendations*

##### *I. Consumer Education and Research*

The older consumer has the right to be informed. In a country such as ours, where literacy is high and mechanisms for communication are available and reasonably inexpensive, the most important approach to consumer education and research must be to impart to the older consumer information and methods which will alert him to the problems of the marketplace and enable him to make realistic and prudent decisions; not only learning what to buy, but how to buy.

The following recommendations could help assure that the older consumer's rights are protected:

1. Agencies of the federal, state and local governments in cooperation with each other, should develop and administer curriculum guidelines for the education of older consumers. The following areas, among others, should be covered: banking and lending institutions; budgeting; consumer fraud; door-to-door selling and telephone soliciting; false advertising; funerals; health frauds and quackery; insurance (auto, health, home and life); medical care and services; nutrition; pricing practices (particularly in low-income areas); public assistance and services available at little or no cost, including legal services; purchasing of all consumer products; real estate; retirement planning, and safety.

2. Consumer education efforts at the local level should include the establishment of consumer information and referral centers with appropriate emphasis on and provision for the older consumer.

3. Any independent consumer agency established within the federal government structure should provide for consumer information services for the elderly. The agency should gather information from other federal agencies and non-federal sources to disseminate to the public through government-sponsored extension service programs, con-



sumer-oriented seminars, institutes, and other leadership and group participation programs.

4. In communicating with the elderly consumer, there should be a maximum use of such of the following methods as have been deemed to be effective: educational television; commercial television; extension courses; other adult education courses; radio; newspaper articles; brochures; local club and group activities; storefront offices; and paraprofessionals. Special emphasis should be placed on person-to-person contacts.

5. The broadcasting industry—including networks, local stations and educational television and radio—is called upon to use its resources to prepare and/or accept and to air information and educational programs on the consumer needs of the aging. Special emphasis would be placed on the problems of the five million elderly whose income is below the poverty level and, where appropriate, the format of such programs should involve the elderly themselves.

6. Research should be done by government at all levels in cooperation with the private sector, universities, and non-profit groups on the problems of the older consumer, the behavior of the older person in the marketplace and on his particular needs for education and protection, so effective education programs can be developed and remedial action suggested.

7. The results of product research and testing by government and the private sector should be translated into layman's language and made accessible to the older consumer.

8. Any consumer education and research programs developed at the federal, state and local level can be most effectively administered at the local level.

## II. Consumer Advocacy and Representation

The older consumer must be assured that his voice will be heard and his wishes considered when decisions are made which affect the quality of his life. He must also be assured that his concerns be given necessary emphasis and priority. The Consumer Concerns Session voted to recommend that:

1. A consumer agency should be established which would be a separate entity within the present federal government structure and which would have the authority to serve as an advocate of the consumer, both as an individual and as a class, in proceedings before federal agencies, federal officials, and federal courts. Other functions of this agency would include the authority to conduct research and education, including the provision of systematic and comparative information about consumer products. In addition, the agency must be adequately financed to fulfill its responsibilities and to have sufficient monies for enforcement. Money must be made available for grant-in-aid programs to develop consumer protection programs in individual states, jurisdictions, territories and possessions.

2. Consumers should have the right to sue as a class (class action suits) in proceedings before state and federal courts and agencies.

3. Social service agencies and volunteer action agencies at the federal, state and local levels must be vested with proper advocacy powers to represent their clients when consumer issues are involved.

4. Each state should retain its delegates as advisory boards to represent older consumers at the state governmental level.

5. A consumer representative should be added to the newly established cabinet-level committee which now coordinates federal policies for improving the quality of life, dignity and productivity of the nation's older people.

6. The President's Office of Consumer Affairs should make a specific staff assignment

to deal with the consumer problems of older people.

7. The Administrator of every state and local governmental agency or office dealing with consumer affairs should designate a specific staff member to deal with consumer problems of older people.

8. Every state investigative team which is created to inspect health facilities which will provide Medicare and Medicaid services should include a consumer who is eligible for these services and who lives in the community of the facility being surveyed.

9. The delegates also expressed particular concern regarding fee schedules set by physicians, attorneys, dentists, morticians, and other fee-for-service professionals.

## III. Consumer protection and legislation

Today's changing marketplace has become increasingly complex and impersonal. Because of these characteristics and other factors which relate particularly to older people, such as fixed and low income, limited mobility, and poor health, a significant number of older people have difficulties as consumers. Action must be taken at the state, local, territorial, possession and protectorate, as well as federal levels, to see that the rights of all consumers are protected and that particular problems that relate to the older consumer receive necessary and appropriate attention.

Delegates recognize the need to form consumer organizations and to know their state and federal legislators for the purpose of promoting the implementation of the legislative suggestions made by the White House Conference on Aging.

### 1. Consumer Product Safety Legislation.\*

We recommend the passage of a consumer product safety law which has undiluted responsibility for preventing consumers from being exposed to unsafe goods, drugs, cosmetics and other consumer products.

### 2. Insurance Legislation.\*

**Health Insurance:** We recommend passage of legislation requiring more stringent regulations regarding private health insurance (with particular emphasis on health insurance which supplements Medicare).

**No Fault Automobile Insurance:** We strongly urge that the delegates return to their states and work for the passage of laws at the federal and/or state or territorial level providing for no fault automobile insurance to replace the present inadequate auto reparations system.

### 3. Hearing Aid, Physical Therapeutic Devices and Appliances Legislation.\*

We urge the Council of State Governments and the State's Attorneys General and the American Law Institute to draft and promulgate uniform model laws regarding the dispensing of hearing aids, physical therapeutic devices and appliances.

### 4. Miscellaneous Administrative and Legislative Proposals.

Require packaged consumer commodities under the Fair Packaging and Labeling Act to be priced on a per unit basis, displayed on the package or shelf in print that is easily read and understood so prices can be compared.

Reform regulation of land sales to provide for elimination through legislation of current exemptions from the Interstate Land Sales Full Disclosure Act; better property report disclosures; and a 72-business hour cooling off period in land sales contracts.

Provision should be made to allow consumers increased opportunities for settlement of small claims to eliminate lengthy court procedures.

Standards of flammability should be updated and effective federal regulations applied under the Flammable Fabrics Act of 1968. Legislation should require the name

\*Detailed provisions included in complete report to be published.

and all active ingredients in prescribed and over-the-counter drugs to be disclosed in standardized readable terminology on the label of the drug as packaged for sale or delivery.

No laws or trade practices should prohibit the advertising of prescription drug prices. Furthermore, as a matter of public policy, complete information about the availability of pharmaceutical services should be provided to allow informed judgments as to the value of the products and services received by consumers.

Legislation should require a 72-business hour 3 day-cooling off period which would give the buyer or borrowers from a seller or lender who is operating away from his established place of business (includes door-to-door selling) 72 hours to cancel a contract.

—Provision for a simple, open-dating system for all packaged foods should be required to indicate when each item should be removed from the store shelf.

—The Food and Drug Administration shall require all manufacturers to print information regarding ingredient content by percentage, vitamin content, and caloric count on all packaged foods to be sold in this country.

—Legislation to abolish holder-in-due course laws.

—Legislation should be passed to prevent the denial of credit to older persons solely on the basis of age.

The intent of "The Older Citizens' Consumer Program," published by the Kansas Citizens Council on Aging in February, 1971, was accepted as expressing the general opinion of the delegates participating in the Special Concerns Session on the Older Consumer.

## E. MENTAL HEALTH CARE STRATEGIES AND AGING

### Introduction

It is agreed that the aged are a heterogeneous group. Large numbers of them need a wide variety of comprehensive health care. Mental impairment and a wide variety of functional disorders are common. Depressive reaction to the changes in role, status, appearance, and to decrements of function or ill health is prevalent. Consequently, there should be recognition of, and response to, the elderly person's need for mental health care and psychiatric care wherever he may be and whatever his age or condition. All institutions including mental hospitals and centers should have the obligation, and the facilities, to diagnose, treat or to safely provide for transfer to a more adequate site for care all applicants for admission in crises. Differences in financing patterns, geography, transportation facilities and population distribution may make for different patterns of intermediate and long term care in different localities. Financial, social and technical matters should not interfere with ease of admission to and discharge from in-patient care facilities or return home to functional status in the community. Also, readmissions and transfer to more suitable loci of care should be easy and free of financial or legal obstructions.

### Recommendations

1. It is recommended that at an early date, there be established a Presidential Commission on Mental Illness and the Elderly, with responsibility for implementing recommendations made at the White House Conference on Aging. Its members should be appointed by the President, subject to the advice and consent of the Congress.

2. It is recommended that a Center for the Mental Health of the Aged be established within the NIMH, with the authority and funds for research, training, and innovative programs for older people in the community and in hospitals.

3. It is recommended that there be recognition and support of each older individual's right to care and treatment in any one of

the wide range of alternative mental health services now existing, or those that will be developed.

4. It is recommended that there be universal prepaid, comprehensive health insurance including coverage for mental illness and health.

5. It is recommended that inequities and discrimination with respect to the financing of mental health services should be eliminated from Medicare and Medicaid. There should be prompt elimination of deductible and co-insurance features; and inclusion of drugs, currently excluded dental care and prosthetics under Medicare.

6. It is recommended that Medicaid funds should be properly used as legally prescribed, this should be guaranteed by adequate Federal supervision and enforcement.

7. It is recommended that all funds allocated by the Congress for research and training and services for the elderly should be released and distributed promptly both now and in the future with speedy cooperation of the Executive Branch of the government where required. (See recommendation on the appointment of a Presidential Commission.)

8. It is recommended that efforts should be made at Federal, State and local levels to develop options to institutional care.

9. It is recommended that adequately staffed and programmed comprehensive mental health diagnostic and treatment centers be developed in neighborhood health centers, community mental health centers, hospitals and other appropriate local, geographically accessible settings; special attention to adequate funding is of prime importance.

10. It is recommended that properly staffed in-patient or residential facilities with proper programs should be available in adequate number; all of these should have available methods of supervising, caring for, and protecting persons in their own homes for as long a period as medically and socially possible for the patient.

11. It is recommended that more attention be given to the development of innovative therapeutic services to currently institutionalized older persons, and for the future care of persons in need of protective environments as in-patients or residents in congregate settings.

12. It is recommended that research monies for studies of aging and the elderly, from basic biological processes, to social and psychological phenomena, be greatly increased.

13. It is recommended that all mental health programs for the elderly, be open to all, without a "means test." This mandates adequate funding.

14. It is recommended that there be recognition that training and education of the necessary health professionals is urgently indicated. Such health manpower must be increased in number as well as quality. Again, adequate funding is a necessity.

15. We are aware that there is a large body of factual and technical data on aging and the practical treatment of the disorders in the elderly which is not generally available and known. Therefore, it is recommended that material describing the best comprehensive care methods in a variety of settings should be prepared, widely distributed and their availability made known.

16. It is recommended that the proposed Presidential Commission or another appropriate government agency, look into the methods of purchase and provision of mental health care currently undertaken by Federal, State and local governments, in order to advise as to what is most economical and effective.

#### F. THE OLDER FAMILY

##### Introduction

American families bear the brunt of all the care, economic and emotional nurturance, and sense of belonging that aging families

need. Research finds that it is, primarily, to their families that older people turn for help.

##### Recommendations

We therefore recommend that:

1. A Department of Family Life be established with cabinet status for its Secretary, so that the American family may be represented on all policies affecting the many millions of families who now carry the chief responsibilities for their members of all ages.

2. A National Institute on The Family be developed in which concerns of central importance to families, and to the society of which families are the core, be studied, to serve as a basis for considered action.

3. The President of the United States call and convene a White House Conference on the Family in the near future.

4. Tax reductions be given for qualified family gifts and assistance, as they are now given for charitable contributions.

Family support and care of their aging members, without recognition or relief from tax burdens, save the government as well as private agencies many millions of dollars, staff years, and expensive programs.

5. Death education be widely encouraged and implemented.

6. Medical and legal priorities be established to assure quality of life, rather than prolongation of the process of dying.

7. Public and private agencies working on behalf of America's aging recognize the family roles, relationships, and responsibilities implicit in the stage of family development represented by each older person served.

8. All possible steps be taken to make it possible for aging persons to live as long as possible in their own homes and that the kin families be able to carry out their responsibilities to older families.

9. Housing and homes for aging persons should be so designed as to allow for private quarters for couples wishing to share them. Attractive social centers should be provided where older men and women could enjoy the formation of new friendships and relationships to take the place of those that they have lost, and all personnel should be taught to accord full respect and dignity to these.

We recommend this because, among the primary characteristics of aging persons today are loneliness and emotional deprivation, and institutions and personnel involved in caring for the aging should be oriented as realistically and humanely as possible to meet their deep-seated needs for companionship and human warmth.

10. The social security laws be revised to make it possible for older families or for older persons wishing to take up family life through remarriage to combine their incomes. The present law provides that persons on Social Security who marry find that their income decreases. The law should be changed to allow continued receipt of Social Security without decrease in the amount.

11. A National program of family guaranteed income be established which would include the aged family. This is necessary in order to make it possible for the older family to have the financial wherewithal to continue to exist at a time in its family life cycle when income is sharply reduced. In addition, such a guaranteed income will make it possible for families to continue to carry out their responsibilities and roles in relation to older families.

12. The Congress and the President of the United States be requested to enact appropriate legislation to proclaim that the week in which Thanksgiving is celebrated each year under Act of Congress be officially designated as National Home and Family Week, that the Sunday of such week be designated as Family Sunday-U.S.A. and that all citizens be urged to observe these dates with serious reflection and realization that the principles of family responsibility to spouse, children and parents, as well as the

importance of the stability of marriage and the home for our future well-being, require renewed allegiance and every-day implementation.

13. The paper presented by Dr. Evelyn Duvall at the White House Conference on Aging, in the special session on "The Older Family" be referred to the President of the United States, to the Administration on Aging, and to the Secretary of the Department of Health, Education, and Welfare with the strongest possible recommendation that the information be studied and implications drawn as a basis for planning, setting agency priorities, etc.—toward support through education and community resources.

14. Courses on marriage and family living include material on the older family.

15. A Task Force be formed representing this Conference and major national organizations and agencies concerned, to: (1) explore the present status of family life education in the public schools of the United States; (2) develop plans for strengthening such programs as now exist; and (3) encourage the development of new comprehensive programs of education for home and family living as rapidly as possible, as an integral part of our American system of public education.

#### G. HOMEMAKER—HOME HEALTH AIDE SERVICES

##### Introduction

Homemaker-home health aide service helps families to remain together in their own homes when a health and/or social problem strikes or to return to their homes after specialized care. The homemaker-home health aide carries out assigned tasks in the family's place of residence, working under the supervision of a professional person who also assesses the need for the service and implements the plan of care.

A national approval system has been developed which provides agencies, whether under voluntary, governmental or proprietary auspices, help to assure the quality of homemaker-home health aide services throughout the country. This program for approving agencies will be implemented in 1972.

Despite the demonstrated need it is estimated that there are only 30,000 homemaker-home health aides in the entire United States serving all categories of social and health needs: the ill, aged, disabled, children and others with social and/or health problems. At a minimum, homemaker-home health aide agencies should have available 300,000 homemaker-home health aides or one homemaker-home health aide per every one thousand persons in our total population. For older persons, the ratio should be approximately one per 100 as a minimum.

Professional personnel is in short supply and it is expensive. Para-professional or allied professional help must be utilized where and when appropriate from the standpoint of safe and effective care. Homemaker-home health aide service is an exemplary utilization of para-professional personnel.

To meet established national standards, homemaker-home health aides must be carefully selected, trained and supervised, but they do not require an extensive educational background and therefore this vocation is proving to be a realistic choice for many educationally disadvantaged but capable individuals. Often these are middle-aged or older women. The community stands to gain doubly from this service as previously unemployed individuals become self-sustaining.

Homemaker-home health aide services provide many older persons the choice of maintaining independent living.

##### Recommendations

1. Homemaker-home health aide services are basic to continued independent living for older individuals in their own homes or in other places of residence considered as home, or the return to independent living of a large proportion of older people. They must



be required in those health and welfare programs for older people, with broadened definition for greater flexibility and eligibility for services in which the Federal government participates financially. They must be required services available throughout each state. These services must be well publicized including frequent use of mass media.

Federal Legislation for both Health and Welfare programs should specifically identify and require that Homemaker—Home Health Aide Services are available to every community, with appropriations of Federal Funds making it possible to establish them.

The expansion of these services will require additional funds but it should be recognized that they also open up and offer new opportunities for employment and careers for many mature women and men.

2. Since homemaker-home health aide services may be needed in any family rich or poor at some time, they should be available free, or on a sliding scale of fees, to the recipient or through third party payments, or other financial sources. Experimentation with new and different methods of financing should be explored. Federal and State Legislation should be enacted to provide adequate on-going public funding to make it possible to provide homemaker-home health aide services for all older persons to live in their own homes or other places of residence.

3. Since at the time of need for homemaker-home health aide services the individual or family is in a vulnerable situation, there must be requirement that any agency providing such services, whether public, voluntary, or commercial, meet nationally established standards to protect the quality of the services rendered. Such standards call for a team approach, using both professionals and para-professionals.

4. The necessary resources of other related in-home services such as friendly visitor, meals on wheels, chore services, shopping and transportation, as well as other in-home professional services must be available when needed if individuals and families are to be served as effectively as possible.

Any in-home service must be provided only when it is the choice of the person or persons to be served with their full knowledge of alternatives.

5. Homemaker-home health aide services must be available as supportive, protective, and preventive services on a flexible basis for as long as needed, whether full-time or a few hours per week, whether on a continuing supportive basis or for only a temporary period of time. The arrangements in each case should provide the older person the option of remaining in his own home or place of residence, as long as it is feasible and possible to do so with dignity and safety.

#### H. THE ELDERLY INDIAN

##### Introduction

A new day is dawning and a new era of opportunity is opening to us, particularly to the American Indians and Alaskan Natives. The blessings of life, liberty and the pursuit of happiness guaranteed by the US Constitution is the American Dream, and an inspiration for living.

Our task and the task of the government is not only to guarantee the availability of these blessings, but to secure them for our people to the fullest extent.

American Indians and Alaskan Natives must be provided the opportunity and the Technical Support needed to Plan, Implement, Administer and Evaluate those programs which serve the needs of the Elderly American Indian.

In order to assure that Indian People fully participate in all phases mentioned above, changes in National law or policy must be made. We, therefore, make the following recommendations.

#### Recommendations

1. It is recommended that the United States Government reassures our Elderly Indian Citizens that the existing relationship between their tribes and the Federal Government will be continued. Such assurance will help to allay existing apprehension and fear of the Elderly Indian.

2. It is recommended that an adequately staffed Indian Desk similar to those of other Federal Agencies be established in the Administration on Aging. The purposes of such a desk would be to: (1) Act as a central focal point for all projects dealing with the Aged. (2) Act as an advocate of the Indian Aged in serving their needs.

3. It is recommended that funds be made available directly to tribal Governments for those programs serving the needs of the Indian Elderly. The funds should no longer be funded through State organizations for Indian tribes.

4. It is recommended that the Federal Agencies serving the needs of the Elderly Indian increase the funding levels to adequately serve the vast needs of the Indian Aged.

5. It is recommended that a thorough and complete research program be developed to search, evaluate and amend existing laws and policies governing programs serving Indian Elderly.

In conclusion, these recommendations are presented to the White House Conference in the hope that this new day of opportunity will indeed become a reality for our people.

#### I. LEGAL AID AND THE URBAN AGED

##### Resolved

1. The Law Enforcement Assistance Administration, HUD and other Federal agencies should provide funds for new methods to protect the elderly against crime. For example special security measures should be included in all housing occupied exclusively or largely by the elderly such as ways to call the police from each residence, high quality door and window locks, and extra guards. Social Security and other government checks can be sent on varied dates instead of all at once, and can be sent, with the consent of the elderly, directly to banks.

2. Social service agencies should be designated to work closely with police departments so that all elderly persons, who are victims of crime or who report non-criminal problems to the police, can obtain all necessary assistance. Such agencies might be within or outside the police department itself. Emergency assistance should be immediately available for persons who have suffered loss of checks or money, personal injury or other damage. A single telephone number should be publicized so that the elderly can readily obtain these services. The Law Enforcement Assistance Administration and other Federal agencies should provide grants to agencies to provide these services. And the local Bar Association should develop programs to ensure that victims of fraud can obtain attorneys to represent them in suits seeking compensation for their losses.

3. The criminal justice system should give special assistance to elderly persons who are victims of crime or are witnesses in criminal cases. For example, police officers, prosecutors, and defense attorneys should be especially trained to communicate with the elderly. Elderly witnesses may need to be provided with transportation for court appearances. Trials may have to be conducted more promptly to relieve the burden on the elderly from repeated and protracted court appearances. The Federal Government should provide assistance to these efforts such as by including these ideas in training provided by funds of the Law Enforcement Assistance Administration for personnel of the criminal justice system.

4. The Federal Government should provide

funds to allow consumer protection agencies, with staff, to be established or expanded by state, county or city government in every locality to protect the elderly from fraud. They should develop educational techniques to alert the elderly to the kinds of frauds frequently practiced and the need to consult a legal service or other attorney when large purchases are being made. They should also draft statutes needed to protect the elderly, such as allowing several days for recession from contracts made with door-to-door salesmen of home improvements or various consumer goods.

5. Fraud units should be established in Federal, State, and local police and prosecuting offices. The personnel of these offices should receive thorough training in methods to detect and combat schemes used to deceive the elderly. The Federal Government, either directly or through the Law Enforcement Assistance Administration, should provide training and funds to enable such programs to be established.

6. The Federal Government (through the Office of Economic Opportunity, any successor legal service agency providing funds for legal services to the poor, or other agency) should set aside funds to be used for special legal services to serve the elderly which are at least proportionate to the elderly's share of the total poor. These services could be provided by existing legal service programs or new programs. A minimum of \$10,000,000 a year should therefore be set aside for this purpose immediately. Some of these funds should be available to allow organizations of the elderly to retain partial fees or prepaid legal insurance for the elderly whose incomes are inadequate to pay full legal fees or the cost of such insurance.

7. The Federal Government (Through the Office of Economic Opportunity, any successor legal service agency, or other agency) should establish a special center concerning legal rights of the elderly comparable to its centers relating to health, housing, consumer, migrant problems. The center should do research, bring test cases, draft and work for model legislation, train legal service attorneys and legal aides, and have additional funds to support demonstration and research programs concerning the legal problems of the elderly.

8. The Federal Government (through the Office of Economic Opportunity any successor legal service agency, or other agency) should provide funds to train elderly laymen as paid legal aides and to operate programs in which these aides can act as advocates for the elderly before administrative agencies.

9. Legislation to establish a legal services agency to assume the responsibilities of the Office of Economic Opportunity relating to legal services should assure that the elderly are represented on the agency's board of directors in approximate proportion to their share of the poor.

10. Legal service programs should themselves develop or work closely with existing outreach programs to the elderly poor so that the elderly are fully aware of and have full accessibility to legal services.

11. All Federal state benefit programs—such as Social Medicare, Medicaid, and Old Age Assistance—should provide for the payment of attorneys' fees, which are not taken from the benefits to which the elderly are entitled, for all elderly persons who challenge decisions to deny, reduce, or limit benefits. These fees should be adequate to attract attorneys to provide service to elderly clients regardless of income.

12. All Federal and state benefit programs should explicitly notify in writing all elderly persons whose benefits are denied reduced or limited, that they have the right to representation by an attorney or trained lay advocate, the desirability of this representation through legal service programs, Bar Asso-

clation referral committees, and other means. The Federal or State Government should provide for free counsel chosen by the elderly if the elderly cannot otherwise obtain counsel.

13. The elderly should be provided free, competent attorneys in all proceedings relating to civil commitment, conservatorships, and other proceedings brought to restrict their freedom or other legal rights. Such legislation should allow the elderly to pay for persons of their own choosing.

14. The states should adopt legislation providing public guardians, conservators, and administrators without cost to the elderly who cannot afford from modest assets to pay for these services. Such legislation should allow the elderly to pay for persons of their own choosing.

15. A subcommittee of this Session should continue to operate after the Session is concluded to work with the leadership, staff, and delegates to the Conference and with other government officials to carry out the above recommendations.

#### J. LONG-TERM CARE FOR OLDER PEOPLE

##### Introduction

The Special Session on Long Term Care is concerned about the development of a National Policy on Long Term Care. We meet within the context of a growing national involvement in this area.

It was only in the 1930's that the Federal government became deeply involved in human services. We meet within the context of disclosures in many cities of inadequate nursing home care. We are aware of Ralph Nader, Congressman David Pryor, and now the views of HEW Secretary Elliot Richardson. We hope that the commitment of the Administration to standards will be matched by a concomitant commitment to adequate funding of long term care.

We recognize that long term care involves not only inpatient care but also services to people in their own homes as well.

Our focus should be upon the individual and making the right to adequate long term care a reality.

##### Recommendations and comment

1. It is recommended that all long term institutional care aspects of the Title XIX (Medicaid) program be completely federalized. By federalization is meant funding shall come from federal general tax revenues; that a uniform minimum level of benefits be set on a national level; and that standards be uniform nationally.

It is further recommended that payment to institutional providers of long term care be made on such a basis as to cover the cost of providing that care, and, in the case of proprietary facilities, to allow a fair return on investment. Payment to facilities is not necessarily to be the same in dollar amounts, but is to be computed using the same formula nationwide.

The recommendation was adopted with 25 delegates opposing. This did not represent 15% of those present at the time of voting.

2. It is recommended that Medicare-type cost reimbursement be specifically discouraged and that prospective rate setting be encouraged with proper incentives to encourage the providing of good patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

3. It is recommended that the problems and feasibility of transferring the long-term institutional care aspects of the Medicare program to the Medicaid program be intensively studied.

The recommendation was adopted with five delegates opposing. This did not represent 15% of those present at the time of voting.

4. It is recommended that the Department of Health, Education, and Welfare work to change the primary emphasis in nursing

home inspections from physical plant standards to direct patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

5. It is recommended that a national policy on long-term care needs must have mechanisms of being implemented and financed:

That supplementary resources are needed to be allocated to means of financing alternate care;

That this is a reason for low standards of care in many long-term care institutions;

That we need a change in national priorities to human needs;

That we call upon the government to change our national priorities, shifting some of our resources from defense, foreign assistance, and space priorities to the needs of our elderly citizens to implement a national policy on long-term care.

The recommendation was adopted with seven delegates opposing. This did not represent 15% of those present at the time of voting.

6. It is recommended that a Presidential Commission on Mental Health and Illness of the Elderly be established.

The recommendation was adopted with one delegate opposing. This did not represent 15% of those present at the time of voting.

7. It is recommended that any national health insurance program which is adopted should meet the needs of those who require catastrophic, long term physical and mental health care and social services both within and outside of institutions.

The recommendation was adopted unanimously.

8. It is recommended that, to encourage the physician to accept responsibility for the medical care of patients in long term care facilities, the coverage limitation of one physician visit per patient per month in nursing homes be eliminated and that physicians be allowed to see patients as often as is deemed necessary by the professional staff as the patient's condition warrants.

It is further recommended that the physician be reimbursed at his reasonable established fee level without reduction for seeing several patients during one visit in extended care, skilled nursing, and nursing facilities.

The recommendation was adopted unanimously.

9. It is recommended that more registered nurses be placed in leadership positions in all programs involving health care of the elderly at all governmental levels.

The recommendation was adopted unanimously.

10. It is recommended that preventive and restorative dental care benefits be made available for all persons over age 65, and that those benefits be fully funded by the Federal government for those who cannot afford to pay for such care.

The recommendation was adopted unanimously.

11. It is recommended that an appropriate expression of appreciation be made to Dr. Arthur Flemming, Chairman of the 1971 White House Conference on Aging, for his efforts in making the Special Session on Long Term Care possible.

The recommendation was adopted unanimously.

12. It is recommended that the provision of care and services for the aged be removed from Title XIX (Medicaid) and Title XI, and that all health care for the aged be provided under an expanded Title XVIII (Medicare) program. It was further moved that health care be provided to all aged as a matter of entitlement; all persons should be covered and means tests presently in use under Title XIX be abolished.

Minority Report: The Session was divided

on this motion because of some deep seated reservations about the suitability of the Medicare program as a vehicle for meeting total health care needs for the elderly.

The recommendation was adopted with 58 delegates in favor and 55 delegates opposing.

13. It is recommended that the Secretary of Health, Education, and Welfare study the feasibility of health facilities (i.e., hospitals, nursing homes, ECF's, etc.), including long term care facilities, becoming public utilities and that his report be submitted as part of the post-White House Conference on Aging report by December 31, 1972.

Minority Report: The Session was divided on this issue because some delegates have serious reservations regarding the concept of making health facilities into a public utility.

The recommendation was adopted with 29 delegates in favor and 26 delegates opposing.

14. It is recommended that social services, as part of the team approach, are important to guarantee quality care of the elderly in long term institutional care and should be supported by legislative action.

The recommendation was adopted unanimously.

15. A proposed recommendation that Federal requirements for State participation in Federally supported health care programs include a requirement that inspectors and surveyors of nursing homes hold currently valid licenses as nursing home administrators in the States in which they work plus special preparation in inspection of long term care facilities was defeated 73 to 11.

16. It is recommended that there should be Federal financing available for the construction of nursing homes and health facilities. It is further suggested that this financing take the form of a 40-50 year loan with a three to five percent interest rate or a guaranteed loan system.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

17. It is recommended that in the interests of the patient, standards and guidelines which carriers use in making their decisions on coverage be readily available to professionals helping to effect their care.

The recommendation was adopted unanimously.

18. A proposed recommendation that the element of profit be eliminated from the care of persons and that the profit factor be confined to a limited return on equity capital, meaning a profit in the form of rental of land, buildings, improvements and furnishings, over and above the actual cost of the care and services provided was defeated 49 to 25.

Minority Report: The minority view holds that the Senator Percy hearings highlighted the fact that nursing home patients are not receiving quality, comprehensive programs of care. This is most significant, in the minority's view, since most nursing home patients are public aid recipients. The minority feels that the taking of profits from the delivery of care additionally and substantially reduces the number of dollars available to provide the care needed.

19. It is recommended that appropriate Federal and State regulatory bodies and consumer protection agencies be urged to take appropriate action to protect the public by curbing the misleading and exaggerated mass media solicitation and advertisement of voluntary health insurance programs to the elderly and the general public.

The recommendation was adopted unanimously.

20. It was recommended that the Department of Health, Education, and Welfare consider the feasibility of national certification for consultant pharmacist to separate the "paper" consultant from the bonafide consultant pharmacist and that the Department also explore the possibilities for reasonable reimbursement of consultant pharmacists for consulting services.



The recommendation was adopted with 33 delegates in favor and 2 opposing.

#### K. THE POOR ELDERLY

##### Introduction

Chairman: Ollie Randall

The Special Concern Session was attended by some 200 delegates, guests and observers. Dr. Walter M. Beattie, Dean of the School of Social Work, Syracuse University addressed the group on the challenges of poverty among older Americans. A panel of commentators composed of older persons active in community action programs responded to the address. Several commentators emphasized the need to direct attention to rural areas and such groups as the Spanish-speaking migrant farm workers. All called for immediate action, best characterized by the words of Mrs. Mary Powell of the Springfield Township (Ohio) Community Action Council who said, "Do it now, I won't be around in ten years for the next Conference!"

Mrs. Mary Louise John, President of the Foster Grandparents of Bexar County, San Antonio, Texas presented the group with the recommendations of the Planning Committee after which Rudolph Danstedt of the National Council of Senior Citizens provided comment on the recommendations. In discussions chaired by Jack Ossosky of the National Council on the Aging, the Session agreed to the following introductory statement and the recommendations:

##### Introductory Statement

###### ACTION NOW

One out of every four Americans over the age of 65 lives in poverty. And even more live so close to poverty that its chilling effects hang over them. To the trials of old age are added the harsh burdens of poverty made more cruel by the fact that it need not be.

###### ACTION IS NEEDED NOW

No longer must American aged live in hunger, suffer from lack of health care, exist in dilapidated housing, and remain isolated and hidden from the mainstream of American life. Many elderly-poor and rich are robbed of their dignity as human beings by a now-oriented society which too easily forgets the contributions—past and present—of its aged population.

We can—we must—we will do better!

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

Our goals must equal our national greatness. Our action must merit our national pride. We must strive to provide more than mere subsistence; we can and must provide the opportunities for decent and meaningful living through all the years of life.

In planning, we must recognize the continuity of life. We must act immediately to lift the present aged from poverty. Even with adequate income, certain needed services cannot be purchased in the marketplace and must be provided. Within and between income and services programs, a full range of options should be available for all aged Americans.

To insure that future generations do not end their days in poverty and despair, we submit these recommendations to the White House Conference on Aging.

##### Recommendations and comment

###### I. INCOME

It must be the national policy of the United States that poverty be eliminated as a concomitant of the older years. In this regard, priority must be given to providing older Americans with an income to keep them from poverty and subsequently to assure the aged an income foundation that will provide them with a comfortable existence.

1. The establishment of an income floor in the social security and adult assistance pro-

grams to provide all older persons with an income equal to the "intermediate" standard of living established by the Bureau of Labor Statistics. This would provide (as of Spring, 1971, the latest figures available) at least \$2,316 for a single older person, regardless of sex, and \$4,489 for a couple headed by someone 60 years of age or older. We recommend that this be done now through the immediate amendment of the Social Security Act (Title II) and of the Adult Assistance provisions of Title XX of H.R. 1 presently pending in the Congress.

Comment: During the discussion on this recommendation, a substantial minority of those present favored the adoption of earlier benefits for minority group persons to reflect their earlier death rates and their life-long disadvantaged status. The body heavily favored the reduction of the age of eligibility for all groups to age sixty.

2. As a follow-up in the progression of the benefit floor, not later than 1974 the minimum income for Social Security and Adult Assistance beneficiaries be upgraded to provide the elderly with the "comfortable" standard of living established by the Bureau of Labor Statistics. This would provide (as of the Spring of 1970), at least \$3,403 for a single older person, and \$7,114 for an elderly couple.

Comment: During discussions on this recommendation it was emphasized by the delegates that the "comfortable" BLS standard should set the level of future benefit payments.

3. Those elderly persons in the United States and territories not now covered or eligible to receive benefits under existing income maintenance programs be blanketed into the programs now so that all elderly persons can be assured an income at the comfortable standard of living and that there be no penalty or reduction in other benefits. As a further step to make this recommendation effective, the Old Age Assistance program must be merged into the Social Security system and the ensuing additional costs to be financed out of general revenue funds.

4. That computation mechanisms be established to periodically revise the benefit structures to reflect increases in the cost of living.

5. To meet the increased financial burden of these recommendations the general revenues of the Federal Government be utilized to supplement employer and employee contributions to the Social Security system, and that the Adult Assistance programs be completely federalized.

6. With respect to private and public pensions plans, require that they contain provisions for guaranteed vesting after the first year of employment, for guaranteed portability of pension benefits, and for Federal insurance protection against loss of pension benefits. Moreover, require that these pension entitlements and protections be spelled out to all employees under a "truth in pension" Federal statute.

7. Enact immediately a Senior Emergency Employment Act providing for one million full and part-time jobs for persons 55 years old and over who can and wish to work.

Comment: An additional recommendation, introduced from the floor, to immediately abolish the Social Security "earnings test" was defeated with a substantial minority favoring abolition. A number of delegates expressed a heated frustration with the continuing problems of reduced benefits associated with increases in Social Security payments (OAA, food stamps, etc.).

###### II. SERVICES

Even when the income levels recommended above are reached, many older people, especially poor older people, would face serious gaps in available services to meet their needs. To fill these gaps in health care, housing, and social services, we recommend:

#### A. Health

1. The income and service restrictions imposed on Medicaid and the shifting of the cost of Medicare on to the backs of the elderly through ceilings on length of benefit periods, increases in deductibles, increases in Part B (doctors care) premiums are seriously limiting health care for the elderly and the poor.

The time is now to eliminate the hodgepodge of partial health care programs. Medicaid and Medicare systems should be reformed now through the merger of these programs and a Federally administered system covering all persons 65 and older established.

2. This Federally administered program should have no co-insurance and deductible features; it should provide for out-of-hospital prescribed drugs and afford, without limit, nursing home care in a facility owned or operated by an accredited hospital or comprehensive health service organization.

3. While immediate reform of the Medicaid and Medicare programs is essential, there must be early adoption of a national health system available to all, the young, the middle aged and the elderly, with a full range of health services financed out of payroll taxes and the general revenues with no additional billing to the patient for these services.

Comment: A substantial minority opposed the proposed national health system primarily on the question of costs.

#### B. HOUSING

Where the homes and apartments of older persons are now adequate, or capable of renovation, the course of action is clear. Every effort must be made to assure that the elderly keep or reclaim a decent place to live in neighborhoods of their choice. To achieve these goals, it should be the policy of the United States to assure:

1. The reduction of property taxes for lower income elderly home owners, with proportionate remissions for those older people who rent.

2. The greatly expanded promotion of grants and low, or no interest loans by HUD to renovate unsuitable housing wherever such housing is located without regard to location in an urban renewal area or other artificial geographic limitations.

3. The end to liens on homes of those eligible for Adult Assistance.

4. The expansion of the Rent Supplement Program specially directed to older persons utilizing local organizations of older persons to promote its use.

5. Assuring that the planning of highways which dislocate thousands of low income older and other persons is discontinued; designing urban renewal and other physical development programs so that residences and natural neighborhoods are renewed and not bulldozed; assuring that there is full participation of older poor persons in the planning of all physical development programs.

6. Where homes and apartments are not capable of renovation, the expansion of Federally-supported construction of new housing units to house the elderly poor who have no other means to secure decent housing.

Comment: Passed Unanimously.

#### C. Social Services

1. It shall be the responsibility of the Federal Government working in concert with other public and voluntary agencies to establish in each community a public senior service system as the primary means through which the elderly receive services. Such services should include leisure time and cultural programs but should extend also to preventative health programs, information, referral, outreach and advocacy services, counseling, legal aid, help with employment, housing, securing benefits, etc. Such a public senior service system must be responsive to the aged themselves as participants and the decision-

making processes determining what services are provided, through what means, and for what groups.

2. Public departments of social services need to become the primary agency for services to the disabled and impaired elderly with services rendered through a consortium of public and private agencies. Needed services should be available to all the aged without any restrictions to financial status. Services available through these resources should provide a community health alternative to institutional care by offering such services as homemaker, home health and chore services, protective services, friendly visiting and telephone reassurance, day care, home delivered meals, special transportation, etc.

3. Special efforts must be made in the delivery of services to assure that the older poor, minority elderly and those most isolated from the community are reached by the service systems, that bilingual outreach programs are built into all programs.

#### III. SELF-HELP—SOCIAL AND POLITICAL ACTION

1. Older Americans including those who are poor represent a resource of experience and ability which can and must be utilized in dealing with their problems and needs. We urge that all agencies and organizations which seek to serve the elderly use that resource and find ways of involving the elderly on their policy making boards, on advisory committees and on their staffs so that they play a full role in the planning and delivery of services.

2. The elderly themselves need to take the initiative to develop and operate programs and services to meet their needs as they see them. Public and private agencies should motivate and support the elderly to undertake self-help programs and to engage in social action, articulating their needs and participating in the flow of community life to create solutions to those needs.

3. Voluntary agencies and church groups in particular are called upon to serve as enablers for the elderly, to encourage and assist them in developing new roles in self help, social action and political action. Recognizing that the elderly have not fared well by relying on others to act in their behalf, the elderly are urged to organize themselves into active social action and political action groups to press for those policies, to support those candidates and to ally with those organizations which will elevate their priority needs to national attention and action. (Accepted unanimously.)

#### OTHER CONCERNS OF THE SESSION

The delegates accepted, without comment, a group of recommendations developed by the Spanish Speaking Caucus relating to the needs of the Spanish Speaking elderly.

Also accepted was a resolution submitted by State Senator Samuel Harman of Massachusetts memorializing the Congress to immediately enact legislation to remedy the inequitable loss of benefits associated with increases of Social Security payments.

#### L. RURAL OLDER PEOPLE

##### Preamble

Growing older in rural America presents special and unique problems to which we call the attention of the 1971 White House Conference on Aging and the general public. Sheer distance between people, and between people and services, is the most obvious aspect in which rural areas differ from urban one. Distance complicates the delivery of any service to rural older people; the expense of maintaining private cars and lack of public transportation bar older people from coming to the services. Many people, in rural areas, are isolated by a more basic lack of roads. Rural transportation problems must be solved before there can be effective solutions to rural health, income, employment, or housing problems.

Another unique aspect of growing older in rural America is that a large proportion of the neighbors are also old. Nationally, one out of every ten of our citizens is old; in rural counties that ratio is often one in five. As the younger people are forced to leave to find jobs, they leave a shrinking tax base and a growing scarcity of services. Rising property and sales taxes in rural areas are becoming increasingly oppressive to older rural people.

Retirement income is lower in rural areas, too. Few workers in rural areas are covered by private pension plans. Income in their later years must come from Social Security, from savings, from continued employment, or from welfare. Since most rural people became eligible for Social Security relatively recently when agricultural workers and the self-employed were included, they have had fewer years of covered earnings and thus their benefits are lower.

Although older rural people are accustomed to working, there is a critical shortage of paid jobs for those who wish to work. Many urgently need work because of low income, yet present federal programs discriminate against rural areas. Rural areas have one-third of the property in this country, yet they get only sixteen percent of federal manpower funds.

National programs designed to provide part-time community service work for older rural people, such as Green Thumb and Green Light (funded under Operation Mainstream), have found the opportunity to serve and also earn is eagerly welcomed by rural older folk.

Programs established to meet the needs of the elderly in rural areas and small towns should be designed to fit their way of living. Most rural people have been very self-reliant all their lives. They were their own mechanics, plumbers, carpenters, doctors—because there often were no others.

Where crises came, neighbors quietly chipped in, often without being asked. Age has now stripped them of their resources but not their traditions. Many refuse to take advantage of the few services which are available because they don't know how to take the initiative in dealing with "government officials" and they feel a strong sense of shame and failure if they try. Programs must be designed to seek out needs not merely respond to demand. They must deal with the rural elderly in ways which are not frightening or foreign to them. Older people need to be involved in designing, planning, and implementing these programs.

#### Recommendations:

##### I. TRANSPORTATION

1. A broad program to develop people-delivery system in rural areas should be undertaken such as those by the Federal and State Governments, based on demonstration projects by the Office of Economic Opportunity, the Appalachian Regional Commission, Green Light, and others.

2. Legislation should be passed enabling and requiring public, social, health, and employment services in rural areas to help provide transportation and outreach; removing legal barriers such as taxi rates and car, taxi, and school bus insurance restrictions to such transportation services; and financing such services for older people in rural areas.

##### II. LEGAL AND PROTECTIVE SERVICES

1. Older people in rural and farm communities must be provided legal and protective services in order to assure adequate voice and assistance on all issues which involve possible encroachment on their rights and property.

##### III. EMPLOYMENT

1. Community service employment programs for older people, such as Foster Grandparents, Green Thumb, Project FIND, Extension Service, Homemaker Aides, and Sen-

ior Aides, must be expanded into every rural county.

2. Public job assistance, training, and placement programs, currently required to give priority to youth and minority groups, should be modified and expanded to include a higher proportion of older workers. Such programs should have an equitable rural-urban distribution corresponding to the distribution of poverty.

#### IV. INCOME

1. In reforming the Social Security system, we urge increases in the level of earnings allowed and increases in the minimum benefit in addition to across-the-board percentage increases with a basic floor for adequate living (BLS) and with automatic cost of living provisions.

2. Present legislative and regulatory impediments to older people supplementing their incomes through employment, craft cooperatives and similar arrangements should be removed.

3. State and local governments should reduce or alleviate the disproportionately heavy property taxes on retired persons on limited incomes.

#### V. HOUSING

1. Legislation establishing and funding a major home repair program for older people in rural areas should be passed. It should include home repair loan and grant programs under the Farmers Home Administration (currently authorized but not provided); larger home repair grants for welfare recipients with less state matching funds than at present; authorization to use Federal manpower training programs to perform the work; and adequate staff to administer these programs efficiently.

2. More new housing should be provided for older people in rural areas. A major new rural housing program must be developed to meet the needs of the rural elderly. Public housing programs should be expanded in rural areas. The Federal Government should aggressively encourage local government and/or private non-profit organizations to implement these programs.

#### VI. HEALTH

1. In the design of a national health service delivery system which provides for facilities, personnel, and payment for services, the unique characteristics of rural areas must be considered and special delivery systems developed. Transportation, outreach, and home care services should be integral parts of all health services in rural areas. The use of mobile health units for multi-phasic screening should be greatly expanded.

2. Health and nutrition education programs should be greatly expanded. Public Health, Vocational Education, Extension Services, and other such community action programs have found that poor nutrition practices are a major health problem of the rural elderly.

#### M. SPANISH SPEAKING ELDERLY

##### Introduction

The Spanish speaking aged compose a particularly vulnerable class of needy persons within the already disadvantaged population of elderly Americans. Due to linguistic and cultural barriers, physical isolation and the disadvantaged endemic to minority group status, the Spanish "viejo" finds himself in even more deplorable circumstances than the majority of the American elderly population.

Poverty of such magnitude exists within this group that is incomprehensible to the average citizen. It is a poverty that knows no boundary line as it affects the Spanish speaking elderly equally as hard as the rural, urban and metropolitan areas.

Perhaps the most pervasive handicap the Spanish speaking elderly has in this society is his inability to speak and communicate in English and his lack of understanding



of the "System." Directly related to the lack of awareness of health, housing, recreation, employment and social services and benefits is the problem of communication. There is a high correlation existing between his ability to speak English and his lack of awareness of the very few services, activities, and programs to which he is entitled.

**Income:** National economists would do well in learning how some of the Spanish speaking elderly are able to survive. Because of life-long poverty, many have not been able to save toward retirement or collect adequate pension and social security benefits. There are those who receive no public assistance and have to depend on whatever help friends and families can provide.

**Health:** The mortality rate of the Spanish speaking elderly is above average. At 48 years of age a Spanish speaking migrant compares with an Anglo of 65. This is due to the hardship these individuals have had to endure. Medicare and Medicaid provide relief, but some cannot eat properly without dentures or communicate without hearing aids that they can't afford.

**Transportation:** In rural areas transportation is unavailable most of the time or else too expensive. In metropolitan areas, where public transportation is available, many times it is too expensive and the Spanish speaking elderly cannot communicate with the drivers or understand route and time schedules.

**Nutrition:** Inadequate nutrition affects all elderly Spanish speaking. Surplus commodities offer some assistance and although they are not designed as a complete meal, for many it is. Food stamps have to be bought once a month and for the majority of the Spanish speaking elderly poor, they are too expensive to purchase.

**Employment:** The Spanish speaking elderly need innovative programs for employment opportunities without penalizing retirement or other benefits.

**Housing:** Many of our Spanish speaking elderly poor own their own homes. For them to own a home is a matter of pride and self-respect. For the most part, these homes are below standard and do not have regular facilities.

The above are just a few of the many real problems affecting the Spanish speaking elderly today. They are mentioned to dramatize the fact that the theme of the conference is wrong. Many elderly and non-elderly here, this week, are not themselves poor and therefore cannot adequately represent the poor who were unable to attend.

It is a myth to believe that action emanating from this conference will automatically benefit the Spanish speaking elderly poor because this did not and has not happened from the 1961 White House Conference. Had this conference concerned itself exclusively with the problems of the elderly poor and minority poor then the reverse could be expected to happen.

We strongly urge that a conference on ACTION for the elderly poor and minority poor be developed as soon as feasible and possible to provide the action necessary that this conference has failed to do.

#### Resolutions

##### Income and transportation

1. It is recommended that the Department of Transportation, the Department of Defense, and the General Services Administration make available all excess vehicles, in good condition, to any elderly based organization in order that transportation services for the Spanish speaking and other elderly be made available in metropolitan, urban, or rural areas.

2. It is recommended that all municipalities with public transit systems provide free or reduced fare during the non-peak hours for the elderly and handicapped, and demand

that these same systems make literature available in Spanish for the Spanish speaking elderly in terms of routes and schedules, and also that these systems request subsidized assistance from the Federal Government.

3. It is recommended that research and study be conducted by every agency involved in programs for the elderly in order to determine an age comparability and other important data in regard to the different ethnic backgrounds of the elderly.

4. It is recommended that a minimum of guaranteed income of between \$4300-\$4500 (couple) be made immediately available to all Spanish speaking elderly and 75 percent of that for a single person.

5. It is strongly demanded that States amend their legislature to prevent the lowering of old age assistance benefits as social security benefits are increased.

6. It is recommended that Spanish bi-cultural planners and consultants design and reevaluate all programs and services to serve the Spanish speaking with the cooperation and participation of the consumers to be affected by these programs.

7. That all elderly legislation regarding services, benefits, and programs of any kind and in effect in the mainland United States be extended to cover all elderly in Puerto Rico.

8. That employers who contract migrant elderly workers for any amount of work done, be required to make social security payments and that the farmer be defined as the employer and not the contractor or crew leader.

9. That piecemeal research and demonstration programs be funded on a national level and give special emphasis to the employment of the Spanish speaking elderly.

10. That the Social Security Administration compile a census on the Spanish speaking population receiving social security benefits and that a projection be made of those who will be receiving assistance in the next 10 years.

##### Health committee

1. That where applicable representatives of elderly Spanish speaking and migrants be appointed on all commissions, committees, councils, and other bodies concerned with the planning, development, operation, and evaluation of comprehensive health services systems funded by Federal, State or local governments.

2. That priority be given to bi-lingual, bi-cultural students being recruited for the health professions and for new careers or para-professional employment opportunities in the field of health and geriatrics.

3. That special college credit be made available for students in the medical and health fields who are bi-lingual and bi-cultural.

##### Housing

1. Whereas: It is of critical concern that the needs of the Spanish speaking elderly have been ignored by the Federal, state, and local governmental bodies concerned with housing, it is recommended (1) that staff of Spanish descent responsive to the Spanish speaking be appointed to all three levels of government, and (2) that funds be specifically earmarked for the need in housing of our Spanish speaking elderly.

2. Whereas: Many of the Spanish speaking elderly live in and own homes that are deteriorating and decaying, it is recommended (1) that in lieu of the demolition or the removal of homes by programs such as Urban Renewal, that Government assistance at all three levels be given for the rehabilitation and renovation of housing units owned by the Spanish speaking elderly.

3. Whereas: That the present Federal housing projects are highly undesirable to the Spanish speaking elderly, it is recommended (1) that all subsequent housing be constructed according to the Spanish speaking

cultural considerations such as (1) design, (2) cost, (3) location, (4) size.

4. Whereas: It is recognized that the Spanish speaking elderly are not receiving a "fair-shake" of federally subsidized housing; it is recommended (1) that the federal government adopt a policy in housing utilizing a formula wherein those units that are authorized, built, or rehabilitated, be reserved for the Spanish speaking elderly in direct proportion to their population in their respective communities.

5. Whereas: It is a fact that there exists a requirement forcing the Spanish speaking elderly to give up their claim to "real property" in order to qualify for programs of financial assistance; it is recommended (1) that the above requirement, being a prohibitive and unjust law, be eliminated or amended as will meet the needs of the Spanish speaking elderly.

6. Whereas: It is a revered tradition that the Spanish speaking elderly has a strong desire to remain living within the family household; it is recommended (1) that a new program be adopted that would (a) promote and protect this opportunity for continued participation with the family; (b) contribute to the Spanish speaking need for a sense of usefulness and (2) this new program would pay rent subsidies directly to the elderly recipient residing within the familial household.

##### Spiritual Well Being

1. The Government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

2. Spanish speaking elderly should be involved in the development of all programs which affect their spiritual well being from the initial planning stage through implementation.

3. That all religious and/or private groups open their eyes to the needs of the Spanish speaking elderly which are more than religious services and ceremonies and strive toward fulfilling the needs of the total man among the Spanish speaking elderly.

4. The declaration of the rights of the elderly should continue to be a responsibility of the various religious bodies but they should also recognize the value of coordinating their efforts with community groups.

5. All religious and/or private groups, particularly those with sizable Spanish speaking membership, must spend a fair and adequate share of their resources advocating assistance for the Spanish speaking elderly.

##### General Resolutions

1. It is recommended that a \$5,000 tax exemption be granted to Spanish speaking senior citizens on real and personal property in all states.

2. It is recommended that HR1 be acted and passed upon by Congress with a modification that the guaranteed minimum income of \$2,400 be increased to \$4,800 for all elderly people.

3. It is recommended that all resolutions passed at the Special Concern Session for the elderly be applicable to the rural as well as the urban elderly.

4. It is recommended that Congress pass a law to automatically grant citizenship without the requirement of an examination to those persons who have been in the United States for 20 years.

5. It is recommended that any organization, be it private or public, which provides services to the Spanish speaking elderly be required to have an adequate number of bi-lingual, bi-cultural staff, literature and forms printed in Spanish, make outreach efforts to inform the Spanish speaking community and utilize multi-media services to this effect.

6. It is recommended that the President establish a National Coordinating Committee for the Spanish speaking elderly which

insures consumer participation, develop a national strategy to solve the problems of the elderly, top Federal, State, and local funds; and evaluate existing programs.

7. It is recommended that due to the lack of statistics available on the Spanish speaking elderly, the Bureau of the Census conduct an indepth study which will evaluate the accuracy of the number of Spanish speaking elderly in the United States.

8. It is recommended that the Bureau of Labor Statistics be required to have an ethnic breakdown on employment figures to make planning possible for those Spanish speaking who will become senior citizens in the near future.

9. Due to the lower life expectancy of the Spanish speaking elderly it is recommended that Federal legislation be passed to lower the retirement age to 55 for the urban Spanish speaking and to 45 for the migrant rural Spanish speaking worker.

10. It is recommended that the Federal, State, and local monies be set aside to research and study the specific problems of the Spanish speaking elderly as a first step in the planning of comprehensive and relevant programs to alleviate the plight of the Spanish speaking elderly.

#### N. THE RELIGIOUS COMMUNITY AND THE AGING

##### Recommendations

1. That a National Conference on spiritual well-being be held within the next two years and not later than five years to review and evaluate the recommendations in terms of achievements as a result of the 1971 White House Conference on Aging.

2. That it should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broad-based community programs for the aged through multipurpose community centers.

3. That private institutions of religious and charitable organizations which discriminate in the admission of black persons and those of other minority groups and deny and abrogate the civil rights of such persons have their tax exemption status lifted; and we urge that the U.S. Congress enact appropriate legislation to bring this about.

4. That church-related retirement facilities add to their staff (on a salaried and/or volunteer basis) a retiree in the role of community ombudsman-advocate, working with older adults within the institution and the larger community, serving as a representative with and for older adults.

5. That religiously related educational institutions, and religious laymen in any teaching situation, be urged to provide a knowledge base for an understanding of the processes of aging, the characteristics and needs of older persons, and the implications of such knowledge for fields of community practice.

6. Subscribing to the principle that responsibility for the care and affectional support of persons of all ages rest with one's immediate family and kinsmen, we therefore recommend that: (a) Tax deductions be given for qualified gifts and assistance to aged persons, as are now authorized for charitable contributions; (b) Education be inaugurated for couples in their middle years for their tasks in bridging the generations, including accepting death and preparation for the life of a survivor.

#### O. PHYSICAL AND VOCATIONAL REHABILITATION

##### Introduction

In the absence of formal plans to develop systematic vocational rehabilitation inputs for the 1971 White House Conference on Aging, Federal Guidance and Employment Service conducted a broad-based pre-White House Conference on this subject at Arlington, Virginia on September 14-16, 1971. Attended by more than 100 leaders in the field

of vocational rehabilitation, this Conference was supported by a grant from the Rehabilitation Services Administration, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, and received extensive cooperation from a wide spectrum of rehabilitation groups and agencies. The Policy and Platform Statement that follows emerged from the Conference with the understanding that it would be presented to the White House Conference on Aging as an expression of the recommendations of the vocational rehabilitation movement.

##### Recommendations and comment

Some 15% to 20% of all unemployed disabled persons 55 years of age and over elect to continue in the labor market, despite severe limitations and the lack of encouragement from the community.

Vocational rehabilitation services for the members of this group are lacking or are highly inadequate in most sections of the United States. This neglect reflects the general apathy of Americans, even those who work with older persons, toward the vocational aspirations of older persons. Even the 1971 White House Conference on Aging, in its preparatory stages, made no plans for a conference section on rehabilitation (as it had done in 1961).

In the face of this extensive lack of concern for the vocationally-motivated older disabled person, the objective of the pre-White House Conference meeting was to recommend policies and programs that should be instituted to meet the needs of this group in the 1970's.

##### Specific recommendations

###### 1. Legislation.

A. Current legislation should be amended or administered so as to provide for:

Positive enforcement of existing anti-discrimination legislation.

Improved Social Security benefits.

Modification of the Social Security earnings limitation.

Inclusion of rehabilitation incentives in welfare legislation.

A rise in the level of Social Security trust funds available for payment for vocational rehabilitation services.

Earmarking of specific anti-poverty funds for the aging.

Inclusion of vocational rehabilitation services under Medicare and Medicaid and proposed comprehensive care programs.

B. New legislation is needed to achieve:

Public agency financial support for long-term workshop employment programs.

The use of Federal funds to create new jobs for the aging in private industry and government-sponsored public service activities.

Non-discrimination in employment throughout the United States at all geographic levels.

###### 2. The Community.

The community should:

Pay particular attention to disadvantaged sub-groups among the aging.

Establish general and/or specialized programs for the aging.

Be educated to the vocational rehabilitation potential of the aging.

Develop comprehensive service programs for the aging containing strong vocational components.

Develop organized groups of aging persons, that, among other activities, support vocational components.

Through its rehabilitation agencies and workers, function as an advocate of the aging.

Develop improved community transportation facilities in cooperation with United States Department of Transportation.

###### 3. Organizations and Programs.

A. All types of agencies in the community should:

Open their general community facilities

and programs to the aging on the same priority basis as other groups.

Reach out to currently "underserved" sub-groups of aging persons.

Consider rehabilitation of the aging as a specialized rehabilitation sub-field.

Include vocational rehabilitation services in their multi-function programs for the aging.

Adopt service procedures that enable the aging to enter vocational rehabilitation programs without delay.

Make provision for the aging to serve on boards and committees which formulate agency policies and programs.

Encourage institutions for the aging to set up vocational programs for their residents.

Establish experimental rehabilitation residences for the aging.

Develop regional and state vocational rehabilitation centers for the aging.

Set up special programs for homebound and neighborhood-bound older agencies.

Establish linkages between agencies for the aging and other agencies.

Designate a national group to serve as a forum and a clearinghouse for those concerned with the vocational rehabilitation of older persons.

Expect rehabilitation agencies serving the aging to conform to commonly-accepted service standards.

B. Federal and State Rehabilitation Agencies should:

Take leadership in developing services for older disabled persons, preferably through specially-designated organizational sections or divisions.

Earmark special funds for the aging.

Be strengthened, in general, in funding, programming and administration.

Assign responsibilities for programs for the older disabled person to special personnel.

Stipulate clearly that age, per se, is not a disqualification for entry into vocational rehabilitation service.

C. Voluntary Agencies should:

Be given a major role in the vocational rehabilitation of older disabled persons.

Engage, along with other agencies, in innovation research and demonstration activities.

Attempt to reach as many older disabled persons as possible through decentralized catchment area programs.

Along with state agencies, assume responsibility for the conduct of long-term workshop employment programs with the aid of public agency funding.

Offer comprehensive vocational rehabilitation programs.

Be given responsibility for continuity of care.

D. Private enterprise should:

Be encouraged to participate in the vocational rehabilitation of older disabled persons.

Assume responsibility for preventing and ameliorating vocational handicaps in their aging employees.

Be assisted in these functions by consultation from specialized rehabilitation agencies and personnel.

###### 4. Employment

Vocational rehabilitation should emphasize careers, not merely jobs, for older disabled persons.

Public and private hiring practices which bar older disabled persons from employment should be altered.

Employers should be educated to see the values of hiring older disabled workers.

Vocational benefits offered to other disability groups in employment should be opened to the aging.

Flexible working hours should be adopted in industry.

Additional part-time employment opportunities should be created.

Employment should not be discontinued on the basis of an arbitrary maximum age.



Employment opportunities in community service should be fully explored.

Demonstration new careers programs should be launched.

#### 5. Personnel Training and Research

Rehabilitation personnel should be trained in service to the aging through specially-funded programs.

Grant applications for research and demonstration projects for the older disabled person should be given a high priority.

National research and demonstration and/or research and training centers on the vocational rehabilitation of the aging should be established.

Fundamental and applied research relating to the older disabled worker should be supported by public funding.

Application of modern technology to the problems of the aging should be explored.

#### 6. Medical

Medicare-funded rehabilitation services should be extended to persons receiving Social Security Disability Benefits through rehabilitation as well as other health facilities.

Federal funds for medical research should be increased.

Additional Federal financial assistance should be provided for the training of medical and allied personnel.

The Federal government should sharply increase the funds allocated for the construction: expansion, and alteration of rehabilitation facilities under the Hill-Burton Program and the Vocational Rehabilitation Act.

Medicare and Medicaid legislation should be adopted which strengthens the rehabilitation component and which enables patients to receive medical rehabilitation service in conjunction with their hospitalization.

NOTE.—A report on the Elderly Deaf will appear in the full report of Conference proceedings.

#### P. VOLUNTEER ROLES FOR OLDER PERSONS

##### Introduction

At the conclusion of this session one delegate participant remarked that it was uniquely characterized by the participants' complete attention to ways in which older persons could fulfill themselves by giving service to one another and to their communities.

The session focused on the development of policy and action recommendations that facilitate volunteering by older persons.

##### Recommendations and comment

1. A national policy should be established to create awareness in the nation at large about the worth and talents of older adults as a national resource and to encourage older adults to volunteer. In this connection widest possible use should be made of pre-retirement counseling as a point of interpreting volunteer opportunities.

2. Existing national older adult volunteer programs should be expanded and funded at adequate levels in order to serve extensive numbers of older persons.

3. There should be support for and strengthening of national leadership (governmental and voluntary) through which local organizations, departments and agencies can be encouraged and assisted in developing volunteer participation by older persons.

##### Comment

In discussion of this recommendation, as illustrative of national leadership, reference was made to the National Center for Voluntary Action, the Center for a Voluntary Society, and Retired Senior Volunteer Program, and others.

4. Agencies and organizations (governmental and voluntary at any level) should adapt their programs to the use of older volunteers and provide adequately for their training, their growth, and recognition of their accomplishments; should provide for adequate staff leadership and preparation of staff to support volunteer involvement.

5. Jobs developed for older volunteers should meet the needs of older persons, provide for progressive levels of responsibility and recognize the need for special job design for handicapped adults.

6. Budget planning in both government and voluntary agencies should provide for making available to older volunteers assistance, when needed, with transportation, incidental expenses and insurance protection.

7. Appropriate interested organizations, agencies, and departments (governmental and voluntary) should endeavor to develop a workable definition of a volunteer.

##### Comment

Discussion of this recommendation indicated the diversity of views with respect to what is a "volunteer;" but there was consensus on the need to provide the widest possible range of opportunities for older persons to be involved in the life of their communities, from full-time paid employment to part-time unremunerated service. Concern was expressed regarding the need to clarify at local levels the character of volunteer service in order to insure that giving such service should not infringe the rights of older persons to receive public assistance or other public support.

##### Q. YOUTH AND AGE

I. *Whereas:* young and old are one; and both deserve dignity and respect; and together are concerned with quality of life in the future as well as the present.

Recognizing the urgency of the situation, we therefore propose the following:

1. A radical and immediate reordering of our national spending policies and economic priorities to place human needs before the material needs of the military and the space program.

2. A wide range of accessible services must be provided in the areas of nutrition, health, housing, medical and social care. But the most crucial need is to provide all citizens a guaranteed adequate income enabling them to purchase goods and services of their own choosing.

3. That both young and old be represented in the decisionmaking process of all local, state and national commissions and boards affecting the aging.

4. That all persons, particularly the aging, be given the legal right to choose to die naturally and in dignity avoiding prolonged illness, pain, confinement, and degradation.

5. That we must bridge the gap of young and old by encouraging alternate forms of social organization to supplement family structure from which young and old are often withdrawn.

6. That government immediately provide adequate and sufficient housing for the aging including communal settings where young families and the old can live together.

7. That society should adopt a policy of education for life such as preparation for job, family, retirement and use of leisure time. This education should begin with young children as developing a philosophy of life and should be developed by consultation with government, business, labor, and education institutions.

8. We urge that many more employment opportunities including part-time jobs be made available by government and by the private sector for both youth and the aging, particularly those jobs which enable them to work together and relate to one another for the betterment of themselves and their communities.

As citizens we are all entitled to full participation in the democratic process. Therefore, we urge that public and privately sponsored civic education programs be implemented for the aging to inform them of their legal rights and political privileges and to encourage them to exercise these rights and privileges collectively.

Wherever appropriate, economic boycott, non-violent protest and demonstration and

other forms of political activity should be used to pursue the goal of a better life for all Americans.

II. In order to effectively implement the positions stated above, it is recognized that awareness of the continuation of life from conception through death is an essential aspect of education throughout the life cycle. It is further recognized that there will be many avenues of activity that must be exploited and maximized.

The following resolutions were made regarding formal education:

1. Federal, state and community agencies shall earmark funds and appoint committees within the year following the WHCoA for the preparation and utilization of curricular and education materials for all school levels that deal with the biological, medical, psychological, social and environmental aspects of the continuation of life from conception through death. Further, this shall be implemented within service training for teachers at all levels, as well as continuing education for persons all through life.

2. It is particularly suggested that in all appropriate educational institutions courses such as sociology, anthropology, etc. be offered in which younger and older persons can both enroll on a credit or non-credit basis.

3. Conference follow-up shall include:

a. Contact with student governments at every available educational level to identify a vehicle for their contributions towards the realizations of the policies adopted at this conference.

b. Contact with existing and projected federal agencies with funded programs for youth opportunities in community activities (e.g. ACTION, Domestic Council etc.) to identify aging as an urgent social issue.

c. Contact with universities, state and community colleges and community organizations to establish seminar and field experience courses that will involve students in all disciplines.

4. Wherever possible, educational systems at all levels should utilize qualified older persons as para-professionals. Formal credential requirements should be relaxed without the relaxation of remuneration for these services. Funds should be provided by an appropriate federal agency for these services.

5. We think that without neglecting the incorporation of preparation for living into the school system, it is urgent that every available avenue for informal education be potentiated. Priority (in the appropriation of funds) shall be given to the promotion of interaction between youth and aged outside the formal school system, in voluntary organizations and other common activities as a conscious reflection of the need to change current cultural attitudes and stereotypes of all stages of life.

6. It is finally urged that the President of the United States include as part of a national policy on aging an emphasis on achieving life cycle education as a mandatory component of all educational institutions.

III. One of the major aims of the White House Conference on Aging should be to harness the activity and energy of youth and link it to the solution of the problems confronting the aging. Three areas of youth volunteer activity suggest themselves for immediate action:

1. Provide information to senior citizens regarding existing social services and financial resources.

2. Render direct service to senior citizens.

3. Act as advocates in behalf of the elderly.

However, it is imperative that such programs involving youth and aging recognize a relationship of reciprocal rewards. Additionally, young people should be reimbursed for expenses incurred in volunteer activities.

Suggestions for immediate action include:

1. Providing information:

a. Undertake local projects to identify existing resources for and needs of aging Americans;

b. Staff telephone information and crisis centers;  
c. Utilize the media to inform the aging about existing resources; and  
d. Guarantee that youth and aging be represented on all aging related agencies.

2. Rendering service:  
a. Form transportation teams to assist the elderly;

b. Assist in home upkeep and maintenance;  
c. Establish friendly visitor programs;  
d. Utilize programs sponsored by ACTION to provide needed staffing;

e. Assist with programming activities in Senior Centers;

f. Provide escort services, especially at night; and

g. Provide activities that will promote social and sexual interaction for the aging.

3. Acting as advocates:  
a. Utilize existing advocacy groups on behalf of the elderly; and

b. Form community-wide advocacy groups, which will also serve as grievance boards and community coordinating committees for volunteer activities related to aging.

In order to implement a program of young assisting the aging means as needed to mobilize and coordinate community activities. This can be accomplished by Services To People (STEP) through the formation of local steering committees. National Youth Organizations and state agencies should encourage their local affiliates to begin creating these committees and to provide the funding for training programs in the study of the aging.

#### CALIFORNIA'S AGRICULTURAL EXPORTS HURT BY DOCK STRIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 5 minutes.

Mr. MATHIAS of California. Mr. Speaker, California is an export State. The value of California farm production exported in fiscal year 1971 was well over half a billion dollars—\$555.1 million. Important crops include feed grains, cotton, fruits and preparations, rice, vegetables and preparations, hides and skins, dairy products, meat products, poultry, cottonseed oil, and so on—an infinite variety.

Imagine what the dock strikes this year have done to our prospects for agricultural exports in fiscal year 1972. The loss is incalculable. What is worse, many of the foreign buyers will not be looking our way again. They have started to look elsewhere for the commodities they need. The United States—thanks to the dock strikes—is no longer considered a dependable source of supply for agricultural commodities.

This is not an irreversible trend. We still have time to consider legislation that will effectively deal with national transportation system strikes in such a way that agriculture and the American public are protected.

But the time is short. We should join today in a concerted effort to deal with this problem before it is too late.

#### OPERATION NOEL

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. McCOLLISTER) is recognized for 5 minutes.

Mr. McCOLLISTER. Mr. Speaker, Operation Noel is an annual Christmas party on Capitol Hill for servicemen from eight Washington area hospitals. About 3 weeks ago, on behalf of Operation Noel, I sent letters to all Members of the House and Senate asking for financial help. The response to those letters has been overwhelming. And I would like to take this opportunity to thank my colleagues in the House for their genuine concern and true generosity in helping to sponsor Operation Noel. As most of you know Operation Noel's party will be held next Wednesday in the Longworth cafeteria. In my opinion no group of individuals in this country deserve a special Christmas party more than the 20-year-old without legs and the World War II veteran who after 25 years still lies in traction. Operation Noel is what all of us see when Santa comes and snow falls—Operation Noel is the guts of all of us—Operation Noel is Christmas. And there is no better way for us to express our appreciation and gratitude for those who have given everything so that all of us may enjoy another happy Christmas. Again, may I extend my sincere thanks and the thanks of all who are involved in Operation Noel for your support and co-operation in making this year's party the best ever. I hope to see most of you in the Longworth cafeteria Wednesday evening.

#### THE PRESIDENT'S NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 10 minutes.

Mr. McKINNEY. Mr. Speaker, many Americans may not know that there has been an appalling loss of life because of destructive fire in the nursing homes of this Nation.

The safety of the residents of nursing homes must be a prime concern of all of us. It is one of the continuing problems of the aging who should command every human consideration of all Americans. I am happy that the President's National Commission on Fire Prevention and Control is probing this matter in the course of its 2-year study of the Nation's fire problem.

The purpose of the President's National Commission on Fire Prevention and Control is to undertake a study and investigation to determine practicable and effective measures for reducing the destructive effects of fire in life and property throughout the country. The Commission will submit to President Nixon and the Congress a report of its findings and recommendations.

Recently, Chairman Richard E. Bland of this Presidential Commission spoke eloquently of the need for a greater vigilance on the conditions in nursing homes as a very necessary step to help prevent fires from breaking out in these homes for our older citizens. This vigilance should in some cases extend to more severe building and electrical wiring codes as well as in other areas such as better smoke and fire detection and alarm systems. For one helpless old person who

may not be able to walk or who is sedated to lose his or her life because of what might be inadequate vigilance is unforgivable.

Chairman Bland is also associate professor of engineering at the Institute for Science and Engineering of Pennsylvania State University at State College, Pa.

He made his remarks over NBC radio network October 20, 1971, concerning the loss of 15 lives at the Geiger Nursing Home fire near Honesdale, Pa., the night of October 19, 1971.

I ask unanimous consent that the transcript of Chairman Bland's statement on NBC be printed in the RECORD.

There being no objection, the transcript of the broadcast was ordered to be printed in the RECORD, as follows:

#### STATEMENT OF RICHARD E. BLAND

I am shocked at the tragic loss of fifteen lives by destructive fire in a private nursing home for the elderly near Honesdale, Pennsylvania last night.

It is particularly sad because as is so often true of fires in nursing homes, some of the victims were bed-ridden. There can be no greater experience of horror than for an elderly person to be aware of a fire sweeping toward him knowing that he is helpless to try to escape.

Many Americans are not aware that approximately 12,000 lives were snuffed out by destructive fire in our country in 1970. Some of the most sickening losses have been registered in our homes for the aged.

On January 14th of this year in Louisville, Kentucky, fourteen people died in the Westminster Terrace Presbyterian Home for Senior Citizens.

Six people lost their lives on September 15, 1971, in Salt Lake City, Utah, in a home for senior citizens.

To cite another example of these tragedies, on January 9, 1970, a blaze took 32 lives in the Harmar Convalescent Home in Marietta, Ohio.

Elderly people are often not in nursing homes by their own choice. In effect, they are in captivity. Hence it is the public's responsibility as near as possible to guarantee protection and evacuation procedures that will facilitate their escape. They cannot be expected to move on their own in hostile environments associated with fires. Thus, we must make it a public responsibility the enforcement of regulations which guarantee their safety.

A major purpose of this Presidential Commission is to determine more effective ways to reduce loss of life and property by fire in the United States.

I would like to point out that we cannot be too vigilant in taking steps to prevent fires.

Let us remember that the prime factors of loss of life by fire in dwellings are: open stairways, no escape plan in case of fire, no automatic detection system, flammable clothing and combustible interior finish.

Leading causes of home fires are: heating and cooking equipment, electrical wiring and appliances, smoking, children and matches, ignition of rubbish and flammable liquids.

This terrible loss of life in Honesdale, Pennsylvania, should once again provide a shocking reminder to all Americans that the responsibility for the loss of life and property lies with all of us.

#### HON. ARTHUR A. FLETCHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would



like to take this opportunity to honor Arthur A. Fletcher, one of the present administration's highest-ranking black officials, who, at the end of this year, will leave his position as alternate representative to the 26th session of the United Nations to assume the executive directorship of the United Negro College Fund.

Mr. Fletcher, who also served as an Assistant Secretary of Labor, will replace Vernon E. Jordan, Jr., as head of the fund which raises money for some 40 black institutions of higher education. His stated reason for making this switch is to position himself in a field where he will "not only be helping to provide opportunities for nonwhite youth to achieve their own personal desires, but where he will be helping to provide a national human resource that America so desperately needs."

Mr. Speaker, I wholeheartedly congratulate Mr. Fletcher who came to this decision only after the sincere protestations of those administration officials who have worked with him and learned to respect his impressive administrative skills.

Mr. Fletcher has been instrumental in the conception and development of a great many landmark programs. One brilliant example is the Philadelphia Plan for attracting more minority-group youths into the building construction labor unions. This excellent plan requires building contractors to hire set percentages of minority-group workers before the contractors are allowed to bid on Government construction contracts.

Another capacity in which Arthur Fletcher has proven to be most effective is as Chairman of the White House Domestic Council Committee on the Elimination of Economic Discrimination. He will continue in this post through 1974—at which time he plans to deliver the recommendations of this Committee to the President.

Mr. Fletcher's aim as director of the fund is to raise at least \$10 million from black American citizens and then request industry and government sources to contribute three to four times that amount. The continued survival of many of our black colleges will surely depend upon the success of Mr. Fletcher's efforts. This, in turn, will have a dramatic effect on the training of blacks for professional jobs, since—according to Morris B. Abram, chairman of the fund's board directors:

Seventy-four percent of black Ph.D.'s have taken their undergraduate training in black colleges.

I am sure I speak in behalf of my colleagues, Mr. Speaker, in praising Arthur A. Fletcher for his past achievements and in wishing him the fullest success as executive director of the United Negro College Fund. This man, who has exhibited unlimited talent and fierce determination in such varied fields as professional athletics and public administration, will, I am certain, distinguish himself once again in the arena of higher education.

#### PANAMA CANAL SOVEREIGNTY AND MODERNIZATION: MEMORIAL BY COMMITTEE FOR CONTINUED U.S. CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, as a former professor of Latin American history, I have long been interested in the annals and problems of the Panama Canal and have followed with deep concern what has been transpiring in Panama and in Washington as regards that jugular vein of marine transportation and hemispheric security.

Though the canal question has been before the Congress periodically since 1945, with the exception of the 1949-50 hearings concerning Panama Canal reorganization there have been no comprehensive hearings on this highly complicated subject. It was, therefore, gratifying to read the November 8, 1971, announcement by the distinguished chairman of the Subcommittee on the Panama Canal of the House that major hearings on all significant phases of the interoceanic canal problem will start November 29.

Through the leadership and splendid contributions of my most able and scholarly colleague from Pennsylvania (Mr. Flood) a lifelong student of canal problems, the documentation on the subject in the CONGRESSIONAL RECORD for more than a decade is extensive. A selected collection of his addresses, published in one volume as a Government document under the title of Isthmian Canal Policy Questions (H. Doc. No. 474, 89th Cong.), contains a wealth of authentic information and should be consulted by all students of the canal subject.

The latest addition to the cumulating literature on Isthmian problems, occasioned by submission of the 1970 report recommending the construction of a parallel Panama Canal of so-called sea level design that is linked with surrender of the Canal Zone, is a memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal on the vital matters of sovereignty and modernization.

The membership of this committee, which was organized by Prof. Richard B. O'Keeffe of George Mason College of the University of Virginia, Fairfax, Va., is truly distinguished and includes persons of outstanding ability in their fields and longtime interest in Isthmian policies in the broadest sense. Because the indicated memorial in brief space presents the essential facts of a highly complicated subject and should be of great assistance to those preparing for the forthcoming hearings, I quote it as part of my remarks:

#### COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

##### PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88-609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, initially estimated to cost \$2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of

the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) A new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatun Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (*Pelamis platurus*).

(3) The construction by the United States of the Panama Canal (1904-1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, volume 115, part 17, pages 22845-22848, the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914-22). The cost of acquiring the Canal Zone, as of March 31, 1964, totaled \$144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provision bind the United States as well as Panama.

(5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was \$6,368,009,000; recoveries during the same period were \$1,359,931,421, making a total net investment by the taxpayers of the United States of more than \$5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed \$277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were \$76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The

program for the enlargement of Gaillard Cut, started in 1959, with correlated channel improvements, was completed in 1970 at a cost of \$95,000,000. These two works together represent an expenditure of more than \$171,000,000 toward the major modernization of the existing Panama Canal.

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

1. Elimination of the bottleneck Pedro Miguel Locks.
2. Consolidation of all Pacific Locks South of Miraflores.
3. Raising the Gatun Lake water level to its optimum height (about 92').
4. Construction of one set of larger locks.
5. Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marina operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminish the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

1. Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.
2. Avoids the danger of disastrous slides.
3. Provides the best operational canal practicable of achievement with the certainty of success.
4. Preserves and increases the existing economy of Panama.
5. Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.
6. Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.
7. Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost \$2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project whether in the U.S. Canal Zone terri-

tory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936-39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

1. Surrender United States sovereignty over the Canal Zone to Panama;
2. Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;
3. Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House and Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

1. Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

2. The major modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aimed at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 92d Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting on January 26, 1971, many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone,

and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for inter-oceanic commerce and hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long-range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist takeover of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

1. Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and
2. Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation of capacity.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, CA. Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Chase, Md., Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassador retired and Author.

Dr. John C. Briggs, Tampa, Florida, Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro J. Valle, Annapolis, Maryland, Intelligence Analyst; Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y., Former Associate Foreign Editor, *New York Times* Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown Univ.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of Calif., Santa Barbara; Authority on Latin America.

Lt. Gen. Ira C. Baker, Washington, D.C., Former Commander-in-Chief, Allied Air Forces, Mediterranean; Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., Editor and Author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University; Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H., Publisher and Author.



Lt. Col. Matthew P. McKeon, Springfield, Va., Intelligence Analyst, Editor and Publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist; Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Fairfax, Va., Asst. Professor, George Mason College, University of Virginia; Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C., Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., Author and Editor.

Harold Lord Varney, New York, N.Y., President, Committee on Pan American Policy, New York; Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbacher, Bethesda, Md., Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C., Professor of Political Science Emeritus, University of Illinois; Author and Editor.

#### LEGISLATION TO IMPROVE QUALITY OF JUSTICE AVAILABLE IN FEDERAL COURTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. McCulloch) is recognized for 5 minutes.

Mr. McCULLOCH. Mr. Speaker, I am pleased to again introduce legislation recommended by the Nixon administration which will improve the quality of justice available in Federal courts. This legislation will modernize procedures for appellate review of rules, regulations and final orders of the Interstate Commerce Commission. Joining me in sponsoring this important measure are Messrs. POFF, HUTCHINSON, MCCLORY, SMITH of New York, RAILSBACK, BIESTER, WIGGINS, DENNIS, FISH, COUGHLIN, MAYNE, and KEATING.

At present, appellate review of orders issued by the Interstate Commerce Commission necessitates empaneling a three-judge Federal district court. This extraordinary procedure, usually reserved for cases of particular public importance involving constitutional or civil rights questions, disrupts the already overcrowded dockets of the Federal courts. While important constitutional or civil rights questions justify the use of this special three-judge court procedure, cases of lesser public significance clearly do not.

Yet, the record shows that appeals involving ICC orders comprise a large percentage of the three-judge courts convened each year. For example, in 1969, 64 of the 215, or 30 percent of the three-judge cases heard that year involved review of ICC orders. In 1968, the figures were 51 of 179, or 28 percent. Moreover, this procedure places unneeded burdens on the Supreme Court. Decisions of three-judge Federal courts are appealed directly to the Supreme Court. There, because of the direct appeal involved, the appeal is entitled, as a matter of right, to a merits determination. Many of these cases are not of sufficient public importance to warrant such treatment.

The legislation I am introducing will in large measure solve these problems. The bill makes rules, regulations, and fi-

nal orders of the Interstate Commerce Commission subject to the Judicial Review Act of 1950. Under this act, the administrative decisions of the agency, like several other independent administrative agencies already subject to the act, would be reviewed by the Circuit Court of Appeals for the District of Columbia or the one in which the petitioner resides. With this change, the delay and disruption resulting from the empaneling of three-judge district courts would be eliminated. Further, appellate review by the Supreme Court of judgments of the court of appeals would be by petition of writ of certiorari. With this discretionary tool, the Supreme Court can decline to rule on those cases of insubstantial public importance, leaving it free to devote more time to the increasing number of important cases it hears.

Moreover, additional provisions in the legislation are designed to further streamline appellate review of ICC orders. For example, multiple appeals challenging ICC orders often follow the agency's decision. Under existing law, these actions cannot be transferred from different districts and consolidated into one proceeding. Long delay and wasteful duplication of effort results. The bill would solve these problems by requiring consolidation of petitions to review the agency's determination in the circuit court where the first appeal is filed. Also for the first time the bill imposes a time limit—60 days—within which ICC orders can be challenged.

Last, the control of and responsibility for representation of the Government in appellate review of these ICC orders is vested in the Attorney General. Though the ICC will have the absolute right to appear and defend the Commission's order, vesting ultimate control in the Attorney General will, as the Hoover Commission on Organization of the Executive Branch of the Government recommended in 1955, serve the public better by eliminating potentially destructive and wasteful intragovernmental dispute.

Mr. Speaker, we are today witnessing a crisis in the courts. Our legal structure is being tested and strained by case load demands and other pressures which were inconceivable a generation ago. I am happy to say that the Nixon administration has responded to this crisis with a broadly based and continuing program of court reorganization and reform. The legislation which I introduce today is an additional part of this much needed plan for court reform. I urge its prompt consideration and enactment.

#### THE SUBCONTINENT—A WORLD RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 10 minutes.

Mr. MORSE. Mr. Speaker, there seems to be a general consensus throughout the world that the outbreak of full-scale war between India and Pakistan would be a disaster of immense proportions and that the imminent possibility of such an occurrence represents a clear and present danger to international

peace. And yet much of the world, including the United States, finds itself in the uncomfortable position of largely watching from the sidelines as events steadily escalate out of everyone's apparent control.

This is neither the time nor the place to review the complex developments—both within East Pakistan and in the Indian State of West Bengal—which have led to the current crisis. Like many of my colleagues, I have expressed my grave concern about the manner in which the Government of Pakistan has sought to reimpose its authority over its rebellious eastern province since March 25. I feel I have also been as much if not more sympathetic than anyone in this body to the problems caused in India by the massive influx of refugees into an area which was ill-equipped or prepared to accommodate them. But the time has come, Mr. Speaker, to point out to our Indian friends that neither the drain on their economic resources nor the plight of these unfortunate people will be alleviated by a resort to arms, should full-scale war result from such an action, I feel we will witness the greatest threat to world peace since World War II.

It is apparent that India has begun to move—perhaps irrevocably—toward a military confrontation. The temptation may, in fact, be irresistible: India unquestionably enjoys the tactical advantage in the eastern region and overall military superiority vis-a-vis Pakistan. She has a powerful friend in the Soviet Union which is supplying substantial military equipment, and she has evidently reached the conclusion that Communist China is not presently disposed to intervene on behalf of Pakistan. According to recent press reports, talk is now being heard among Indian leaders of a "quick surgical operation" and "total victory" within a matter of weeks. This type of rhetoric is not only dangerous in the extreme—it is also ominously reminiscent of official Pakistani predictions of last March. It also reminds us of our own unfortunate experience when U.S. troops were first sent to Vietnam. It is, Mr. Speaker, a tragic illusion. War in the subcontinent is a "cure" far worse than any current "disease," and it must be avoided at all cost.

As one who advocated the early suspension of all military aid to Pakistan after the events of March 25—including supplies still in the pipeline—I firmly support President Nixon's decision, announced yesterday, to invoke similar restrictions on military aid to India. I believe this action is both consistent and in accord with U.S. policy objectives.

It is high time, Mr. Speaker, that we speak plainly on this subject: The major supplier of military equipment to India is not the United States, but the Soviet Union. The most important supplier of arms to Pakistan is China. We must recognize, and the world community must recognize, that this is one of the world's problems which cannot be resolved by unilateral action on the part of any power, including the United States. We must, however, understand that what transpires in the subcontinent is of direct importance to the United States, as it is to other nations of the world. For a

war involving India, Pakistan, the Soviet Union, and China would affect—more than 50 percent—of the population of this planet.

The failure of the United Nations Security Council to act in this situation is deplorable, but it is also, perhaps, predictable. If a veto by one of the Council's members is a foregone conclusion, no useful purpose is served by formally inscribing the Indo-Pakistani question on the agenda—or at least this is the argument. In fact, it is for this reason, in part, that no nation has as yet requested the Council to consider the matter. Moreover, the Secretary General's recent initiative, offering his "good offices" to both participants in the dispute, has been rejected by India, while the official Pakistani request that U.N. observers be stationed in East Pakistan is futile in the absence of authority from the Security Council.

The danger to world peace inherent in the existing situation cannot be overstated, and I urge the United States to use its full diplomatic resources in order to convene a meeting of the powers most directly concerned, including India, Pakistan, the Soviet Union, and the People's Republic of China, to explore ways and means whereby the fighting may be terminated and a political accommodation may be found.

Time is of the essence—and time is running out.

#### A DEEPING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, we all know that our Government yesterday suspended the issuance of licenses for arms shipments to India. Quite understandably, this decision made headlines here in this country. It is to be hoped that it has an impact also on India.

In my opinion, this move was timely and appropriate. India's recent intrusions into East Pakistan are raising a serious threat to peace. Although there is no way to check the accuracy of recent reports from this area, India herself admits to penetrations of her forces of up to 5 miles. It is obvious she is using her military superiority over Pakistan to achieve her own objectives.

This decision is regrettable and fraught with danger. There is no telling what the future may hold. To me at least, it appears an ominous development, Mr. Speaker, that Mrs. Gandhi has gone so far as to challenge the Pakistanis' right to station troops on their own territory.

The Acting Ambassador of India, Mr. Maharajakrishna Rasgotra, is reported to regret our move as he feels "it will not solve anything, nor move any of us closer to a political solution in Bengal."

Unquestionably, Mr. Speaker, our Government's decision will not provide a "solution" to this situation. But it must be obvious that the United States, above all else, wants a political solution. Regrettably it is not within our power to bring this about.

The problem is that India is acting as

if she had decided that she must seek a military solution. If this is the case, we recognize that we cannot force her to change her mind. By its suspension of armed shipments to India, the U.S. Government is expressing our distress over the course which India appears to be taking. Military adventurism by India could provoke a major catastrophe yet all-out war is an increasing possibility unless, even at this stage, restraint is shown.

In conclusion, Mr. Speaker, I should like to include with my remarks three editorials, one from the Washington Evening Star of December 1 entitled, "The Angry Indians"; one from the Washington Post of December 2 entitled "India Grimly Presses On"; and another from the New York Times of December 2 entitled "A Threat to the Peace."

#### THE ANGRY INDIANS

India's Prime Minister Indira Gandhi is irritated with the great powers for expressing concern and counseling restraint in the spreading conflict between Indian and Pakistan. The major powers, Mrs. Gandhi complains, had nothing to say when Pakistan's President Mohammed Yahya Khan called for a policy of genocide in East Bengal last spring. They sat on their hands while some 10 million refugees from East Pakistan flooded across the Indian frontier. And now they "show concern because we have taken action to defend our borders."

The prime minister's charges would carry more weight, perhaps, if India had not supported the secessionist movement in East Pakistan from the outset. Today, India is supplying sanctuary, arms and training to the "liberation army" of Bangla Desh and is embarked on an exercise of "self-defense" designed to destroy West Pakistan's forces in East Bengal and insure the dismemberment of the country.

India, furthermore, has firmly resisted all efforts to bring the dispute before the United Nations Security Council, to send observers into India, or to separate the two opposing hostile forces. The inevitable impression is that India is, in fact, insisting on complete freedom of military action and has every intention of inflicting a military defeat on its traditional arch-enemy on the Asian subcontinent.

Whoever is responsible for the intensifying conflict between India and Pakistan it is not the great powers, who have watched the deteriorating situation with growing alarm and dismay. No doubt India has been sorely provoked into taking drastic action. But criticizing others will in no way relieve the Indian government of a large burden of responsibility for the tragic events that appear to be in the making.

#### INDIA GRIMLY PRESSES ON

India tried for months to enlist world help in establishing the conditions in East Pakistan that would permit return of the now-10 million refugees—refugees forced into India by Pakistani government repression. The world sighed and looked away, and so Delhi, egged on by its anti-Pakistan zealots, took matters into its own hands, stepping up support of the Bengali guerrillas and undertaking direct military operations of its own against Pakistan. Only at that point last month did Pakistan, whose military forces are much smaller than India's, get interested in international action: not international action to normalize East Pakistan (India's earlier aim) but to fend off Indian military pressure.

Pakistan then discovered that its declared friend China was too remote and weak to help in a real way, that the Soviet Union

would prevent Security Council intervention as a favor to its new ally India, and that the United States would not help effectively either. President Nixon retreated from partisanship for Pakistan to formal neutrality, we surmise, partly out of fear that the United Nations route would be blocked or would lead to complications with Moscow, partly out of a judgment that the domestic costs of further supporting Pakistan were becoming too high, and partly out of a hope that President Yahya Khan might be induced to deal with East Pakistan's authentic political leader, Sheikh Mujibur Rahman.

So it is that Mr. Nixon has confined his visible efforts largely to quiet evenhanded appeals to both sides to withdraw their troops from border regions. In that spirit the State Department yesterday announced a suspension of arms sales—only limited sales were planned anyway—to India; arms shipments to Pakistan had been cut off earlier. India, ignoring the withdrawal appeals, has taken a certain grim satisfaction from them: they amount to a tacit American recognition that, as far as Washington is concerned, India can handle the situation as it sees fit. And this it is doing, in an increasingly confident and aggressive mood.

Whether India is wise to proceed so is quite another matter. Pakistan could well decide to retaliate in, say, Kashmir, where it could hurt India more than it can in the East. Delhi's standing in the world, including the United States, is bound to fall as its image changes from victim to aggressor and exploiter of Pakistan's plight. If East Pakistan becomes an independent Bengal nation, its terrible poverty and the lure it will doubtless have for Indian West Bengal could cause India further political woes. Thoughtful Indians are aware of these possibilities of the future, even as they yield to the pressures of the moment.

We continue to believe that, in the absence of an early (and unexpected) political compromise by President Yahya, Mr. Nixon must take the crisis to the United Nations. The results of such an initiative might well be disappointing: we nourish no illusions about that. To do less, however, is to set a damaging example of disregard for international peace. Neither the United States nor the United Nations can afford that display.

#### A THREAT TO THE PEACE

A major victim of the rapidly expanding war between India and Pakistan may yet be the United Nations and the principle of international cooperation for peace which it embodies.

Although the threat posed by the Pakistani repression in East Bengal and the consequent flood of refugees into India has long been apparent, and has long since become manifest in direct combat between Indian and Pakistani forces, the world organization has made no move to intervene. It has been immobilized by refusal of the principally interested parties, including the major powers, to face up to their charter obligations to confront the issues forthrightly in the Security Council.

The most disturbing delinquency is that of India, which on the one hand argues that the repression in East Pakistan "is a threat to our security," as Prime Minister Indira Gandhi has declared, and on the other hand insists that the problems of Pakistan are strictly an internal Pakistani affair, not subject to United Nations intervention. The Indians can't have it both ways.

If the events inside Pakistan since last March indeed pose a threat to India's own internal security, the Indians have an obligation to present their case—which is a persuasive one—to the world body before taking the perilous military actions which they have already initiated along the Indian border with East Pakistan.



Pakistan has gone through the motions of inviting U.N. intervention of sorts but on terms clearly prejudicial to the interests of the repressed Bengalis and their Indian allies. The failure of the Pakistanis so far to risk a call for Security Council consideration of the issues is an indication of the weakness of their case and of the opportunities open to New Delhi if the Indians themselves would bring their grievances before that forum.

A State Department spokesman said the other day that Washington was refraining from any call for Security Council action at this time in order to continue with "quiet diplomacy." But Washington's quiet diplomacy over the last eight months has conspicuously failed to induce Islamabad to move toward the political accommodation with elected Bengali leaders that is essential to defuse the current crisis.

Especially after suspending further arms shipments to India, as was quite properly done yesterday, the United States could now afford to take a public stand at the United Nations in behalf of a peaceful solution to this political problem that is shattering the peace of the subcontinent and threatening the peace of the world. A strong Security Council resolution, even if ultimately vetoed by Peking, might yet move President Yahya of Pakistan in a way that provocative Indian military action will not.

Although the major powers have conflicting commitments on the subcontinent, they have an overriding common interest in avoiding a major conflict, as indeed do India and Pakistan themselves. The best remaining opportunity to achieve this common goal is to refer the problem promptly to the Security Council, which was created for just such crises and which cannot long survive as a credible institution if it remains in its present state of withering neglect.

#### KANSAS TOWN GIVES GI'S HOLIDAY LIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 5 minutes.

Mr. WINN. Mr. Speaker, I would like to take this opportunity to make this body aware of the wonderful gesture of gratitude on the part of a community in eastern Kansas.

The people of the city of Olathe, Kans., should be commended for raising a sum of \$6,000 to bring home eight GIs who are serving our country in Vietnam. This \$6,000 will pay the round trip plane fares for these servicemen making it possible for them to be home for Christmas.

Mr. Speaker, the citizens of Olathe have sponsored this type of project for several years now, and I want to pay tribute to those involved in this very humane project.

Mr. Speaker, I would also like to include in the RECORD, an article printed in the Washington Post, December 1.

At this time of year, Mr. Speaker, it is most gratifying to find that people in this country have not forgotten the U.S. GI's in Vietnam, but are making concerted efforts to bring eight of them home for Christmas.

You may be sure that more than just the eight GI's will have a merry Christmas. All of the people in Olathe, Kans., have assured themselves a very Merry Christmas.

KANSAS TOWN GIVES GI'S HOLIDAY LIFT

OLATHE, KANS., December 1.—Eight GIs from Olathe serving in Vietnam will be flown

home for Christmas with money raised by the town. The "Home for Christmas Committee" announced Tuesday it has raised the \$6,000 necessary to pay for round trip air fares of the local servicemen. They are scheduled to arrive in this Kansas City suburb Dec. 22.

#### TWENTY MEMBERS SUPPORT ALASKA PIPELINE DELAY BILL

The SPEAKER pro tempore under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I reintroduced, along with 19 other Members of the House, legislation that would delay decision on the proposed trans-Alaska pipeline until at least January 1, 1973, and would require the Interior Department to fully study a Canadian oil pipeline as an alternative to the Alaskan line.

The 19 other Members cosponsoring this legislation are:

Bella Abzug, New York.  
Herman Badillo, New York.  
John Brademas, Indiana.  
Lawrence Coughlin, Pennsylvania.  
Thaddeus Dulski, New York.  
Donald Fraser, Minnesota.  
Ella Grasso, Connecticut.  
Seymour Halpern, New York.  
Mike Harrington, Massachusetts.  
Henry Helstoski, New Jersey.  
Edward Koch, New York.  
Clarence Long, Maryland.  
William Moorhead, Pennsylvania.  
Bradford Morse, Massachusetts.  
James O'Hara, Michigan.  
Otis Pike, New York.  
William Roy, Kansas.  
Fred Schwengel, Iowa.  
John Seiberling, Ohio.

The Interior Department is expected to issue its final environmental impact statement on the proposed 780-mile trans-Alaska pipeline sometime this month. The Alaska pipeline would run from Alaska's North Slope to the southern Alaska city of Valdez. From there, most or all of the oil would then be shipped to the west coast. A Canadian oil pipeline, which would terminate near Chicago, would route the oil totally overland and would serve both Midwest and east coast consumers.

Construction of trans-Alaskan oil and gas pipelines would, I believe, make economic sense for the U.S. economy as a whole and would mean several billion dollars of savings in lower fuel costs to midwestern and eastern consumers. The purpose of the legislation that we are introducing today is to insure that a comprehensive and independent study is made by the Interior Department before it decides whether to grant the permits necessary for the building of the trans-Alaska pipeline across Federal lands. The evidence now available clearly leads to the conclusion that a Canadian pipeline would be both ecologically and economically superior to the trans-Alaska pipeline.

One truly incredible thing about the Alaska pipeline issue is that the Interior Department is insisting on rushing ahead with its decision before research on a Canadian oil pipeline—which is far more expensive than the research which has been conducted on an Alaska pipeline—

is completed. According to figures from a recent issue of the Oil & Gas Journal—a proindustry publication—the Mackenzie Valley Pipe Line Co., the company that wants to build a Canadian oil pipeline, will spend about twice as much on research as the Alaska Pipeline Co.—Alyeska—has budgeted for its research efforts. Mackenzie Valley will spend a total of \$11 million on its research of a Canadian pipeline, which is expected to be completed by next year. Alyeska, whose research on the trans-Alaska route has already been submitted to the Interior Department, spent only \$5 to \$6 million on its studies.

It is really hard to believe that the Interior Department intends to go ahead with a decision that will have an enormous impact on both the U.S. economy and future energy policies without even waiting the few extra months necessary to evaluate an expensive, 22-month study of a Canadian pipeline route. A refusal by Interior to wait only a few months more to evaluate a study of an alternative proposal that has both environmental and economical merit is simply not good public policy and, in all likelihood, is the result of pressures and concerns not directly related to the public interest.

Mr. Speaker, the economic aspects of this issue are relatively clear and simple. A Canadian pipeline would bring oil into the midwest and the east, where the present price of oil is about 20 percent higher than on the west coast—where oil from the trans-Alaska pipeline would be consumed. Construction of the Alaska pipeline, however, would serve only to further decrease oil prices in the West and, thus, increase the differences between what west coast consumers pay for petroleum products and what eastern and midwestern consumers pay. Construction of a Canadian pipeline would mean savings of \$50 and more per year in lower fuel costs to the average family of four in many midwest and east coast States.

Environmentally, the two greatest objections to the trans-Alaska pipeline are that it would cross the worst earthquake zones in North America and that it would require the use of supertankers through treacherous waters to transport the oil from southern Alaska to west coast ports. Primarily because a totally overland Canadian pipeline route avoids these dangers, the evidence is extremely strong that such a route would do less damage to the environment than would the proposed trans-Alaska pipeline route.

Recently, I sent a letter to Wisconsin Gov. Patrick Lucey asking him to support efforts to delay an Alaska pipeline decision, so that a full study could be made of a Canadian pipeline alternative. In that letter, I outlined some of the economic benefits that would accrue to Wisconsin businesses and consumers from such an alternative route. Those benefits are similar to the benefits that other Midwest and East States would receive from a Canadian pipeline.

Following is the text of my letter to Governor Lucey and, immediately following that, I have attached the text of a letter from Wisconsin Senator WILLIAM PROXMIER endorsing that letter:

SEPTEMBER 20, 1971.

Governor PATRICK LUCEY,  
State House,  
Madison, Wis.

DEAR PAT: I would like to bring to your attention an issue which I think should be of great concern to both Wisconsin businesses and consumers: that issue is the question as to whether or not the Alaska pipeline will be built.

As you know, I have strongly opposed the Alaska pipeline and preferred the Canadian pipeline for environmental reasons. But there are equally important economic reasons for supporting a Canadian pipeline.

Simply put, if the Alaska pipeline is built, the oil would be tankered to West Coast ports for consumption there. A Canadian pipeline, however, would route the oil totally overland, and would terminate in Chicago.

It is officially estimated that there are fifteen billion barrels of oil in Alaska. Many experts estimate that the North Slope contains thirty billion barrels or more, which could mean that there is more oil in Alaska than in all the rest of the United States put together. Thus, the decision of where this oil is to be shipped is of tremendous economic significance not only to the State of Alaska, but to the country as a whole.

The table which follows shows present oil prices on the West Coast, the Midwest and the East Coast, and what will happen to those prices if the Alaska pipeline is built, or if the Canadian pipeline is built.

## WHERE SHOULD THE NORTH SLOPE OIL GO?

Prices per barrel	West coast	Midwest <sup>1</sup>	East coast
Prices now	\$3.17	\$3.82	\$4.07
Prices if Alaska pipeline is built	2.40	3.82	4.07
Prices if Canadian pipeline is built	3.17	3.40	3.60

<sup>1</sup> Prices in the Midwest should normally be 20 cents per barrel higher than the west or east coast because of increased transportation costs.

<sup>2</sup> This assumes that half the oil from the north slope—1,000,000 barrels per day—would be shipped to the east coast.

As the chart shows, oil is presently much more expensive in the Midwest and East than it is in the West. Bringing more oil into the West, as the trans-Alaska pipeline would do, would only serve to further decrease their prices, and increase price differentials. If the Canadian pipeline is built, however, these price differentials would be significantly decreased, and actually, almost eliminated.

This is what is so critical for Wisconsin consumers and businesses: If the Canadian pipeline is built, Wisconsin—consumers and businesses—will pay 11 percent less per year for oil, gasoline and other petroleum products than they now pay.

In dollar amounts this is tremendous. It comes to \$49.5 million per year. In fact, the amount saved in fuel costs because of the Canadian pipeline will be almost four times as great as the extra revenues the state would receive from a twelve percent increase in the state corporate income tax rates! What this means is that the extra savings in fuel costs that would accrue to Wisconsin businesses if the Canadian pipeline is built would more than offset the additional tax burden placed on these businesses by the proposed new corporate income tax rates.

The cost of petroleum products is an expense for businesses, just as taxes, labor and other costs of production are. We are and have been concerned over industry moving from Wisconsin to other states. If we want to attract industry and economic growth to Wisconsin the decision in the Alaska pipeline issue becomes extremely critical.

There are further economic ramifications of this decision for Wisconsin. We now have a critical shortage of natural gas. Large deposits of natural gas have been discovered in Alaska along with oil deposits. If a Canadian pipeline is built a natural gas pipeline will be built alongside it and both cheaper oil and natural gas will be piped to Chicago.

But if the Alaska pipeline is built there will be no natural gas pipeline to go with it. It is too expensive to liquify the natural gas and put it in tankers to ship it down the West Coast. The natural gas will be pumped into the oil wells to increase the flow of oil, and our shortage of natural gas will continue.

A decision on the Alaska pipeline is to be made soon. I urge you to communicate to the President and to the Secretary of the Interior Rogers Morton your concern that the Canadian pipeline alternative be fully studied and evaluated before any decision is made. If there are any other steps that you can think of that we might take please let me know.

Sincerely,

LES ASPIN, Member of Congress.

U.S. SENATE,

Washington, D.C., October 14, 1971.

Gov. PATRICK J. LUCEY,  
State House,  
Madison, Wis.

DEAR PAT: I urge you to write to Secretary of the Interior Morton supporting Les Aspin's efforts to get a trans-Canadian rather than a trans-Alaskan pipeline constructed so that the Midwest rather than the west coast will get the benefit of the Alaskan oil.

Ecologically, I have no question that the trans-Canadian pipeline is superior to a trans-Alaskan line. Such a line would avoid the five earth quake zones a trans-Alaskan line would have to cross. Furthermore, such a line would not require the use of any tankers with all the dangers of oil spills that involves.

Economically, I have no question that a trans-Canadian line would benefit our country and particularly the Midwest far more than a trans-Alaskan line would. I am sure you are aware of the pending energy shortage in the Midwest because of the oil import quota program. Clark oil rather than importing oil from Canada is having to import Iranian oil. Homeowners in Wisconsin pay an average of \$65 more than they should to heat their home with oil for the same reason. A trans-Canadian pipeline would go far towards alleviating the coming energy crunch in the Midwest.

A letter from you to Secretary Morton urging a thorough, objective, independent study of a trans-Canadian pipeline would be of great help in protecting Wisconsin consumers.

Best wishes.

Sincerely,

WILLIAM PROXMIER,

U.S. Senator.

## AMENDMENTS TO ECONOMIC STABILIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker the House Banking and Currency Committee of which I am a member, has today voted out an unprecedented bill representing amendments to the Economic Stabilization Act of 1970, otherwise known as the phase II legislation. Our committee, in September, had held some

hearings on the operation of phase I, and while it was thus considering the initial aspects of the President's economic program, the President did indeed announce the phase II period of controls. Then our committee held hearings on this and the President's accompanying request for additional and unprecedented legislation and power. This legislation was submitted several weeks after his announcement of phase II. Never in the history of our country, either in the time of peace or war, has such an unprecedented request been made of the Congress. I am one of the dissenting voices who voted against the final approval by the committee. I am presenting my minority and dissenting views in the report to be prepared by the committee.

Mr. Speaker, all during the hearings by the House committee on both phase I as well as phase II no satisfactory, minimal, and justifiable case was presented for this inordinate grant of constitutional delegation of legislative powers to the executive branch of the Government. A vague and amorphous specter of "inflation" was given as the only hard-core reason.

At the same time that there was an absence of cogent, positive, evidentiary presentations justifying the requested legislation, we did hear ample testimony by expert witnesses, economists as well as administrators, revealing a deep and troubling conflict of opinion among the experts as to the cause, the extent, and the cure of this abomination, inflation.

I am afraid the Congress is reacting in a floundering fashion to the crisis of the day, apparently powerless to evolve its own policy in lieu of or in modification to the jerry-built administration's apparatus. This is sad and deplorable. I believe that at this critical time the Congress should neither stand by supinely and helpless nor fail to develop a creative national policy, responsive to national need and truly responsible to all the people and not just the vested interests. I am afraid that if it does not it is going to be stamped into rubber-stamping the present erroneous course of affairs.

This, in my opinion, Mr. Speaker, is inevitably going to produce our domestic economic Vietnam. This legislation I described as having been approved by the House Banking and Currency Committee can very well be the equivalent of the Bay of Tonkin resolution.

There are those cynics who say that this is okay because it will show that it was all the President's fault. This is to say the least reprehensible, because we are all in the same boat, President and Congress, rich and poor, majority and minority. We cannot afford to blunder at this critical time because not only is freedom at stake, but our traditional American standard of living.

If what I am saying is correct, we should know it abundantly well by April 30 next, which is the expiration date of the present legislation; and, of course, the Congress and/or the executive branch can act accordingly. To act in haste now such as the committee did today, would be a grievous and dangerous error.



Thus far, moreover, we had ample opportunity to hear of gross injustices occurring today under the controls system, and which would be compounded, not resolved, by the additional grant of legislation requested.

In addition, partisan considerations have obscured even simple procedural matters in dealing with this bill. And if such pettifoggery dominated the minor questions, members will readily concede that it made impossible any meaningful examination of the bill, its meaning, its intent, and its practicality, let alone whether the assumptions on which it is based are correct. It is not a partisan matter to question the assumptions of economic policy. If the emperor has no clothes he will appear naked to his courtesans and enemies alike.

#### NEEDED: 500,000 PUBLIC SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today, for appropriate reference H.R. 12011 to create 500,000 immediate federally financed public service jobs by amending and expanding the Emergency Employment Act of 1971.

Following is a list of cosponsors:

Frank M. Clark (Pa.)  
 Jerome Waldie (Calif.)  
 Ben Rosenthal (N.Y.)  
 Ronald Dellums (Calif.)  
 Don Fraser (Minn.)  
 Walter E. Fauntroy (Del.-D.C.)  
 Claude Pepper (Fla.)  
 Ken Heckler (W. Va.)  
 Michael Harrington (Mass.)  
 George Danielson (Calif.)  
 Joseph Karth (Minn.)  
 William Ryan (N.Y.)  
 Fernand St Germain (R.I.)  
 Lester Wolff (N.Y.)  
 Charles Vanik (Ohio)  
 Bertram Podell (N.Y.)  
 Robert Leggett (Calif.)  
 Paul Sarbanes (Md.)  
 Brock Adams (Wash.)  
 William Green (Pa.)  
 Joshua Ellberg (Pa.)  
 Herman Badillo (N.Y.)  
 Charles Rangel (N.Y.)  
 Frank Brasco (N.Y.)  
 Hugh Carey (N.J.)  
 Bernie Sisk (Calif.)  
 Henry Helstoski (N.J.)  
 William Cotter (Conn.)  
 John Selberling (Ohio)  
 Melvin Price (Ill.)  
 Don Edwards (Calif.)  
 Sam Gibbons (Fla.)  
 Robert Tiernan (R.I.)  
 Romano Mazzoli (Ky.)  
 Abner Mikva (Ill.)  
 Thaddeus Dulski (N.Y.)  
 Lloyd Meeds (Wash.)  
 William D. Ford (Mich.)  
 Les Aspin (Wis.)  
 Parren J. Mitchell (Md.)  
 William D. Hathaway (Me.)  
 Jonathan B. Bingham (N.Y.)  
 George W. Collins (Ill.)  
 Edward R. Roybal (Calif.)  
 David R. Obey (Wis.)  
 Peter N. Kyros (Me.)  
 Frank Thompson (N.J.)  
 Robert A. Roe (N.J.)  
 Robert F. Drinan (Mass.)  
 Nick Begich (Alaska)  
 Louis Stokes (Ohio)

President Nixon's new economic program makes little attempt to do anything about unemployment—still at the intolerably high level of 5.8 percent. The administration, with its adherence to "trickle down" economics, insists that reducing business taxes through the investment tax credit and accelerated depreciation will lead to more jobs.

But the best way to make jobs is simply to make jobs. Instead of distributing all sorts of unproductive tax breaks to corporations in the hope that someday more jobs will result, we should give the unemployed a chance to get to work right away staffing our hospitals and day care centers, refurbishing our streets and cities, fighting pollution, and brightening up our parks and playgrounds. In FDR's day, nearly 3 million Americans worked in the Civilian Conservation Corps. With the need to clean up our total environment, and with 5 million men and women unemployed, what on earth are we waiting for?

The public service jobs bill reluctantly signed by President Nixon last July—the Emergency Employment Act of 1971—provides for only a fraction of the jobs needed—40,000 thus far, with 130,000 authorized—and contains inequities in the way the money is distributed to States and localities. H.R. 12011 would correct these inequities and increase the fiscal year 1972 authorization from \$1 to \$2 billion, and the fiscal year 1973 authorization from \$1.25 to \$4 billion. This would produce a total of some 500,000 public service jobs.

A year ago this month, the President vetoed a \$2.5 billion public service jobs bill, calling these jobs "dead end jobs in the public sector." His veto message went on to say:

I believe our economic policies are working. Inflation is receding. The economy is moving up . . . The Administration is taking measures to expand economic activities and job opportunities. Our main objective is to establish a stable growth while actively reducing unemployment.

Unemployment today is at the same level—5.8 percent—it was when President Nixon vetoed the bill.

President Nixon has shown a remarkable capacity in the past few months to reverse field and embrace Democratic policies he had previously denounced. The decisions to float the dollar and to impose a wage-price freeze come to mind. He will now show similar agility, I hope, in dealing with unemployment and endorse the expanded public service jobs program.

Apart from its obvious advantages—reduced unemployment, better public services, and stimulation for the economy—an expanded public service jobs program could produce some benefits which are not as readily apparent.

It is, in many ways, a form of revenue sharing. Funds are distributed to States and localities under a fairly fixed formula with few strings attached. All that is really necessary is that those hired under the act by States and localities perform "public service" work which, according to the act:

Includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime pre-

vention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

This includes just about everything States and localities do. Furthermore, even though the public service jobs money can only be used to cover wages and salaries—and not things like machinery and equipment—this is not much of a restriction since most of the money States and localities spend—55 percent—is spent on payrolls.

An expanded public service jobs program would alleviate one of the most urgent urban problems. Just this week a 20th century fund task force warned that the crisis in the cities of this country would intensify unless something is done quickly to find jobs for black youths—39.1 percent of whom are now unemployed in poverty areas. The task force recommended the immediate establishment of "public service jobs for all young people who are unable to secure employment in the private sector."

The program would also have a healthy "countercyclical" effect on the economy. The program would operate only when national unemployment exceeds 4 percent—except for one-quarter of the funds which are set aside for permanent programs in areas where unemployment exceeds 6 percent. It is precisely at times of high unemployment, when the economy is in a recession, that Federal spending should increase to provide needed stimulation. The public service jobs program works automatically to do this.

Furthermore, States and localities are even more hard-pressed than usual in recessionary times, so the public service jobs money comes just when it is needed most. The Joint Economic Committee estimated earlier this year that State and local revenues fall short of their potential by about \$4 billion a year during a recessionary period like that in 1970. As the economy rebounds and State and local revenues turn up, the Federal public service job money would be less needed, and by the time national unemployment drops down below 4 percent most areas would be in a position to take over funding of public service jobs on their own.

I include further information on H.R. 12011 in question and answer form, a technical explanation of the bill, and the text of the bill:

#### QUESTIONS AND ANSWERS ON THE PUBLIC SERVICE JOBS BILL

1. Q. Is the Program needed—won't unemployment go down all by itself?

A. Even if President Nixon is right that his New Economic Policy will provide 500,000 jobs eventually, the NEP is inadequate to bring unemployment down. We will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse. This includes 1.4 million new entrants who finish school and look for work; 800,000 temporarily removed from the "work force" as "discouraged", but who now return to the "work force" 200,000 released from the armed forces. The expectable economic growth rate, plus Mr. Nixon's NEP, are simply not enough to generate the new jobs needed.

2. Q. How will the program reduce unemployment?

A. Directly and immediately, it will reduce unemployment by providing 500,000 jobs, thus taking care of 10 percent of the present unemployed. Furthermore, the program will have an indirect multiplier effect in two ways:

a. Public service jobs tend to be filled by low-income or no-income persons, who are going to spend all, or more than all, their income right away, thus bolstering sagging consumer demand. More consumer demand in turn leads to more business sales, more investment, and more jobs. Jobs created by trickle-down tax reduction schemes, on the other hand, are likely to go to higher income workers, as in capital goods factories, who will save a larger portion of their wage, and thus give less of a boost per dollar of public expenditure to consumer demand.

b. One of the reasons for the sluggish economy is that those with jobs are spending less of their disposable income than normal. Savings are up to around 8 percent of income rather than the more normal 6 percent. This hesitancy is caused by fear of unemployment—if the man next door is without a job, we think twice about buying a new refrigerator even though we have a job. Put 500,000 unemployed to work immediately, and there will be a multiplier effect throughout the whole economy.

3. Q. Are there enough unemployed workers available for a 500,000-job public service program?

A. Are you kidding? Of the approximately 5 million unemployed today, more than half are clearly eligible for a low-skilled, relatively low-paid public service program: clerical and sales, 968,000; non-farm laborers, 449,000; service workers, 732,000; farm laborers, 81,000; unemployed with no previous work experience, 580,000; total, 2,810,000.

4. Q. Is there enough public service work to be done?

A. A 1966 study by the Commission on Technology, Automation, and Economic Progress estimated that 5.3 million new public service jobs were needed then to provide adequate medical care, education, recreation and beautification, welfare and child care, public safety, urban renewal, and sanitation. A second study done for OEO in 1965 by Greenleigh Associates came to a similar conclusion, estimating the need at 4.3 million public service jobs, of which 470,000 could be filled in the first year, with fully 70 percent coming in just two areas—health and education. A 1968 study done by Harcid Sheppard for the Urban Coalition showed that 280,000 public service jobs could be created almost immediately in the 130 largest cities in the country alone.

5. Q. Will the program cause inflation?

A. Just the contrary—it will combat inflation by greatly increasing purchasing power and thus output. Because there are some 2.8 million eligible people for some 500,000 public service jobs, there will be no labor bottleneck to cause inflation. On the other hand, increased economic activity by trickle-down methods, to the extent that it leads to new jobs at all, creates a demand for skilled and experienced workers who are often in short supply. Bottlenecks are thus created in which demand for labor exceeds supply, wages are bid up, and inflationary pressures in the economy are increased.

#### TECHNICAL EXPLANATION OF H.R. 12011

The bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

1. *Funding*—The present law authorizes \$1 billion for FY 1972 and \$1.25 billion for FY 1973. The proposed bill would authorize a total of \$2 billion for FY 1972 and \$4 billion for FY 1973.

2. *Distribution of Funds to States*—The present law provides that 80 percent of the

funds in the main section 5 program must be apportioned among the States:

In an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The proposed bill tightens this formula to require that this money be distributed solely "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

3. *Distribution of Funds within States*—The present law provides for distribution of funds within the States:

In an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the proposed bill tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

4. *Eligible applicants*—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their state governments.

The proposed bill would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "administered exclusively under the direction and supervision of, such units of general local government." Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

5. *Full Federal funding*—The present law limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions or law" warrant it.

The proposed bill would simply allow 100 percent Federal funding.

6. *More reliable funding*—The present law requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional.

The proposed bill reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

12011

A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(6), section 2(7), the last sentence of section 2, section 3(a), section 7(a), and section 7(b)(4) of the Emergency Employment Act of 1971 are each amended by striking out "transitional".

Sec. 2. Section 4(1) of the Emergency Employment Act of 1971 is amended by inserting after "government" the following: "and voluntary combinations of units of general local government".

Sec. 3. (a) Section 5(a) of the Emergency

Employment Act of 1971 is amended to read as follows:

"Sec. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated \$1,500,000,000 for the fiscal year ending June 30, 1972, and \$3,000,000,000 for the fiscal year ending June 30, 1973."

(b) Section 5(b) of such Act is amended by striking out "4.5" both times it appears and inserting in lieu thereof "4.0".

Sec. 4. Section 6(a) of the Emergency Employment Act of 1971 is amended to read as follows:

"Sec. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated \$500,000,000 for the fiscal year ending June 30, 1972, and \$1,000,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this section."

Sec. 5. Section 8 of the Emergency Employment Act of 1971 is amended (1) by striking out paragraph (2) thereof and renumbering paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and (2) by striking out the final sentence thereof.

Sec. 6. Section 9 of the Emergency Employment Act of 1971 is amended to read as follows:

#### "ALLOCATION OF FUNDS"

"Sec. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

"(1) not less than 80 per centum shall be apportioned among the States on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States, determined on the basis of the monthly average for the fourth calendar quarter of the fiscal year immediately preceding the one for which the apportionment is made; and

"(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act. However, not less than \$1,500,000 shall be apportioned to any State, and not less than \$1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, under paragraph (1) of this subsection. The Secretary shall use the sums available under this paragraph to increase the amounts so apportioned to \$1,500,000, and the amount so used shall be considered a part of the State's apportionment under paragraph (1) of this subsection.

"(b) (1) The amount apportioned to each State under paragraph (1) of subsection (a) shall be further apportioned to units or voluntary combinations of units of general local government which have submitted and had approved applications for assistance under this Act and in the area of which there are at least 1,000 unemployed persons. The apportionment to each such area shall bear the same ratio to the amount apportioned to the State under paragraph (1) of subsection (a) as the number of unemployed persons in such area bears to the number of unemployed persons in the State. Funds remaining after making the apportionments provided for in the preceding provisions of this subsection shall be apportioned among other areas in the State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in such area bears to the total number of such persons in the State.

"(2) Assistance under this Act pursuant to applications from units of general local government referred to in the first sentence of paragraph (1) of this subsection shall be provided directly to, and shall be administered exclusively under the direction and supervision of, such units of general local government. Action on such applications shall be taken by the Secretary without reference to, or approval of, any other agency in the State, and the funds provided such



units shall be used only for purposes which such units have included in their applications.

"(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) (1) of this section."

#### PUBLIC LANDS COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, the public lands in Federal ownership today consist of approximately one-third of the gross land area of our Nation. The impact of this ownership has come to be a significant burden upon those States whose boundaries include large quantities of this land. The Public Land Law Review Commission studies this problem and made several recommendations in its 1970 report to the President and to the Congress.

Today I am introducing a bill which would implement those recommendations made by the Commission which would provide payments to the States for Federal land ownership burdens. This bill includes the Commission's recommendations of providing for compensation based upon the ad valorem real property tax system of the various States. Tax purpose evaluations would be made on the public lands in each State and payments-in-lieu of taxes would then be computed according to this evaluation. Payments would reflect a public benefits discount of between 10 and 25 percent to reflect benefits provided to the State by public lands. As the committee recommended, I have provided that these payments would be made to each State government which, in turn, would make appropriate allocations to county and local governing bodies. Existing revenue-sharing programs such as the Mineral Leasing Act or the Taylor Grazing Act would be abandoned. A revaluation of public lands would occur every 5 years. Valuations would be made by the Administrator of General Services and the Governor of each State, or his designee, with any irreconcilable differences to be settled by a Board of Valuation Appeals consisting of three members of the U.S. Tax Court.

The one difficulty to be found in implementing the Commission's proposal is that the payments in lieu of taxes computation system will be inequitable if applied to those States which do not employ an ad valorem tax system which reflects those burdens imposed upon them through the retention of public lands in Federal ownership. Under that computation system, compensation to each State will relate directly to private land evaluations in that State. A State with high real property evaluations will receive more Federal compensation than a State containing an equal amount of public lands but with low real property evaluations; yet both States could very well have equal burdens imposed upon them through the Federal ownership of public lands. In effect, the property taxes

paid in each State will determine this Federal compensation. A State with low property taxes will receive relatively less than a State with high property taxes.

The legislation I am introducing today would implement the payments in lieu of taxes recommendations of the commission and, at the same time, provide an alternative revenue-sharing system to be used by those States whose property tax system will not provide an adequate basis for payments in lieu of taxes.

This alternative would allow a State to annually elect to receive certain revenues derived from the federally owned public lands within its borders where that State's property tax system will not provide an adequate basis for the payments in lieu of taxes system.

A State which does not employ any real property tax system whatsoever and thus, which would receive no compensation under the payments in lieu of taxes system is one example of a State which would elect the revenue-sharing alternative included in my bill. Another example would be a State such as New Mexico which contains federally owned public lands amounting to more than one-third of the land area of the entire State. Our State-owned lands amount to approximately one-fifth of the nonfederally owned lands. For this reason New Mexico's ad valorem property tax system does not serve as the foundation for the financing of programs providing municipal services. In effect, New Mexico's property tax system would not provide an adequate basis for calculating the burdens imposed through the retention of public lands in Federal ownership. To impose a payments in lieu of taxes system upon New Mexico would be unfair and inequitable. All States with an inadequate property tax system would be able to select the revenue-sharing alternative in my bill.

I have also followed the Commission's recommendation in providing for compensation based upon extraordinary benefits and burdens to the States.

At this point, I include the text of the bill I am introducing, the Public Lands Compensation Act:

#### H.R. 12013

A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Lands Compensation Act".

Sec. 2. Notwithstanding any other provision of law to the contrary, no payments in the nature of tax equivalencies or revenue sharing shall be made to any State, county, or local government for or on account of lands or resources of the Federal Government, except in accordance with the provisions of this Act.

Sec. 3. As used in this Act, the term—

(a) "public lands" means all lands or interests in lands owned by the Federal Government, except the term shall not apply to lands or interests therein held by the United States in trust for Indians, Aleuts, or Eskimos;

(b) "Administrator" means Administrator of General Services;

(c) "governor" means the governor of a State or his designee;

(d) "Board" means Board of Valuation Appeals composed of three members of the United States Tax Court, these members to be designated annually by the Chief Judge of the United States Tax Court;

(e) "regular taxpayers" means taxpayers who are subject to State and local taxes and do not enjoy the benefits of tax immunity;

(f) "tax effort criterion" means the difference between the percentage of per capita personal income which is spent in a State on per capita state and local taxes from all sources and the percentage of the national per capita personal income which is spent on per capita state and local taxes from all sources.

Sec. 4. (a) With respect to all public lands within any State which elects to receive payments in lieu of real property taxes under subsection (a) of section 5 of this Act, the Administrator and the Governor of that State shall establish a valuation for tax purposes of these lands in accordance with procedures and regulations promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives. In making evaluations, these criteria shall be met:

(1) The valuation of public lands shall be consistent with the assessment of privately owned lands in the area.

(2) There shall be no discrimination against the Federal Government in relating payments to the tax rates applicable to similar private lands.

(3) No value shall be included for improvements placed on the land by the Federal Government.

(4) The valuation of public lands in each State shall be reduced or increased in direct proportion to the tax effort criterion applicable to that State.

(5) Valuations shall be completely and thoroughly reviewed at least every five years. In the intervening years, valuations shall be updated annually in accordance with procedures to be established by the Administrator.

(6) The Board shall reconcile any differences, between the Administrator and a governor relating to evaluations, according to standard rules of procedure established by the Board. Any decision of the Board shall be final and shall not be subject to review.

(b) The Administrator shall determine, with respect to all public lands within any State which elects to receive payments in lieu of real property taxes under Subsection (a) of Section 5 of this Act, the public benefits accruing to and burdens, other than tax immunity, imposed upon that State and its political subdivisions from these public lands. This determination shall be made in accordance with evaluation procedures promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives taking into consideration all tangible and intangible, direct and indirect benefits and burdens, excluding the burden imposed by tax immunity and including but not limited to economic, recreational, and natural resources benefits and burdens. Based on this determination, the Administrator shall establish a public benefit discount percentage which shall be at least ten (10) per centum but not more than twenty-five (25) per centum of the total valuation of all public lands in the State, and the total valuation shall be reduced by this public benefit discount percentage.

Sec. 5. (a) On and after the effective date of this Act, the Secretary of the Treasury shall pay annually to each State which does not elect to receive payment under Section

(b) of this section an amount equivalent to the State, county, and local real property taxes on Federal lands and interests therein, based on the tax rate applicable to similar private lands and the valuation provided in Section 4 of this Act.

(b) On or after the effective date of this Act and notwithstanding other provisions of this section, any State which utilizes an ad valorem tax system that is not the foundation for the financing of programs providing State and local government services in that State, and that does not represent the State's or local government's actual need for revenue, and thus that does not provide an adequate basis for compensating the State or local government for the burden imposed as a result of the retention of public lands in Federal ownership, may annually elect to be paid, by the Secretary of the Treasury, as an alternative to the payment to be made pursuant to Subsection (a) of Section 5, all revenues derived from public lands located within the boundaries of that State as a result of—

(1) sales, rentals, leases, or any other disposition or arrangement affecting these public lands with respect to prospecting for, or mining of minerals (liquid, solid, or gas);

(2) sales of these public lands;

(3) permits issued, or leases entered into allowing the grazing of livestock on these public lands; or

(4) sales, rentals, leases, or any other disposition affecting these public lands with respect to the cutting of timber. Payments made under Subsection (b) of Section 5 shall be reduced by administrative expenses incurred by the Federal Government, this reduction to be no greater than ten (10) per centum of these revenues.

(c) The Administrator is authorized to treat separately, in accordance with regulations promulgated by him upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives any extraordinary benefits and burdens of Federal ownership identified by him as being directly related to special local government services which are above and beyond the burdens and benefits of regular taxpayers and the Secretary of the Treasury shall make separate payments therefor as determined by the Administrator.

(d) Notwithstanding other provisions of this section, the Administrator is authorized to discontinue revenue sharing under any other law on a gradually decreasing basis over a period of ten (10) years, and to program implementation of this Act on a similar time basis, for any State where immediate implementation of this Act will result in hardships because of a substantial reduction in the amount of payments.

Sec. 6. Nothing in this Act shall interfere with the right of State or local governments to levy possessory interests taxes on private owners of improvements made by private users on Federal lands.

#### NEW PRESIDENT FOR BRIGHAM YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 15 minutes.

Mr. McKAY. Mr. Speaker, I recently had the distinct honor of attending a very important and significant ceremony in my district which I want to call to the attention of my distinguished colleagues. A university which I consider to be one of the finest academic institutions in the United States has just inaugurated a new president. Brigham Young University, which has become, under the dedicated leadership of President Ernest L. Wilkinson, the largest private institution of higher learning in the United States, installed as its eighth president, Dallin Harris Oaks, who most recently

was serving as professor of law at the University of Chicago.

Dallin Harris Oaks was born in Provo, Utah, on August 12, 1932, a son of Stella H. Oaks and the late Dr. Lloyd E. Oaks. Mrs. Oaks was herself a graduate of BYU, as was her father, Silas Albert Harris, a student of Karl G. Maeser, who was the second president of the university from 1876 to 1892.

President Oaks enrolled as a freshman at Brigham Young University for the 1950-51 school year and was graduated in 1954 with high honors, receiving the bachelor of arts degree in accounting and economics. He received the doctor of law degree from the University of Chicago Law School in 1957, graduating cum laude, second in a class of 86, and was named to the Order of the Coif. As a student he was editor in chief of the University of Chicago Law Review for 1956-57.

He began his legal career as law clerk to Chief Justice of the U.S. Supreme Court Earl Warren. In 1958, he entered private practice with the Chicago firm of Kirtland, Ellis, Hodson, Chaffetz, and Masters in the firm's litigation section.

In 1961, he joined the University of Chicago faculty as associate professor of law. From May 1962 to January 1963, he was associate dean of the law school, and during the last 3 months of this period, acting dean. He spent the summer of 1964 prosecuting criminal cases as assistant States attorney of Cook County, Ill. In the summer of 1968, he was visiting professor of law at the University of Michigan Law School. From 1964 until his appointment as president of Brigham Young University, he was professor of law at the University of Chicago—one of the youngest men in the history of that distinguished institution to hold full professorship.

From January through June 1970, he was on leave of absence from the University of Chicago to serve as legal and research adviser to the Bill of Rights Committee of the Illinois Constitutional Convention, and to conduct a study of the exclusionary rule for the Law Enforcement Assistance Administration of the U.S. Department of Justice. From August 1970 through July 1971, he was also executive director of the American Bar Foundation, and in June of this year he was elected a member-at-large of the Fellows of the American Bar Foundation, of which there are only 25 members in the Nation.

He has been editor or author of four books dealing with church and state, trust law, operation of criminal courts in Chicago, and provision of counsel for indigent persons accused of crime. He also has authored 30 articles in leading periodicals and other publications.

President Oak's wife, the former June Dixon, was born in Spanish Fork, Utah. The daughter of Mrs. True Call Dixon and the late Charles H. Dixon, she is also a BYU graduate—1965. President and Sister Oaks were married June 24, 1952, in the Salt Lake Temple. They are the parents of five children; the oldest entered BYU as a freshman this fall.

When introduced to the faculty and students of the university on May 4,

1971, President Oaks revealed his clear understanding of the true character of that institution by saying:

Brigham Young University is more than a university in the conventional sense. Its domain spans the limits of human experience, spiritual as well as physical, practice as well as precept. . . . It is concerned with teaching men and women the fundamentals of spiritual and secular knowledge. . . .

That is the nature of the challenge to this University. That is the task I see you performing better than any other educational institution in the world. That is why I am honored and grateful to join your efforts.

The inauguration was an impressive ceremony and set the tone for the university in the years ahead. There were official delegates from 225 colleges and universities in attendance who must have viewed with considerable envy the spirit of unity and dedication to learning exhibited on this occasion. Neal Maxwell, commissioner of education for the Mormon Church, perhaps identified the nature of that unique dedication to learning in his comments. He said:

We so often say that knowledge is power; but it is a dangerous kind of power without love. . . . We should not seek knowledge to control. We do not want knowledge in order to manipulate. We do not seek knowledge to parade it. Rather, knowledge puts us in a position . . . to move into the field of education in such a way that learning occurs in the context of love, across culture and across class.

Mr. Speaker, I feel the inauguration of President Oaks was an event of great significance at a university noted for excellence and I call your attention to the following address delivered by President Oaks:

#### INAUGURATION OF THE EIGHTH PRESIDENT OF BRIGHAM YOUNG UNIVERSITY—RESPONSE BY PRESIDENT DALLIN H. OAKS

An Inauguration celebrates the conferring of authority on a new president. It is the time when sister institutions and learned organizations take official notice of a change in leadership. The actual change of authority normally precedes it. In this case the changeover was on August 1st, 104 days ago.

The ceremony of inauguration is an occasion to focus on institutional policies: to review, to reaffirm or revise, and to declare direction for the days ahead.

Although an inauguration looks to the future, its costume and ceremony, like institutional policies, are rooted deeply in the past. A convenient reference point for purposes of my review is exactly a half-century ago, at the October 17, 1921, Inauguration of Franklin S. Harris, my kinsman, as the Fifth President of Brigham Young University.

These are his words, spoken on that occasion: "There has grown out of the history of the institution a particular mandate that must be respected—a certain fire that must be kept burning. This has been peculiar to the institution ever since President Young sent Doctor Maeser here to open its doors. It is difficult to define . . . but it has to do with the lives of students apart from their regular school work. It establishes in their minds wholesome ideals and gives them a respect for proper living. It helps them to form good habits and to throw off bad ones. It teaches them to enjoy uplifting amusements rather than to seek corrupt diversions. It teaches them the sacredness of the family as a unit in society, and it imparts to them a particular responsibility as a citizen. . . ."

"The first task of the future is to preserve at the institution this spirit that comes to us from the past—the true spirit of the



Brigham Young University. This spirit *places character above learning* and indelibly burns into the consciousness of the student the fact that the most enduring joy is dependent on spiritual growth which looks toward eternal progression."

The scene has changed in 50 years. A student body of 663, drawn almost exclusively from a few intermountain states, has grown to 25,000, with representation from all 50 states and over 70 foreign countries. More than 7,000 of these, about one-third of the present student body, have given missionary service in various parts of the world. In 1921 there were a half-dozen buildings, divided between lower campus and University Hill. Today we enjoy a magnificent physical plant of 40 permanent academic buildings and more than 300 other temporary and permanent buildings used for academics, administration and housing. A faculty and staff of 90 a half-century ago has grown to a full-time equivalent of almost 5,000. As we are all aware, most of this growth has been under the leadership of my remarkable predecessor, President Ernest L. Wilkinson, whom we are especially pleased to have with us today.

Despite all this change, however, the fire described by President Harris is still burning and the mandate remains intact.

Our reason for *being* is to be a University. But our reason for *being a University* is to encourage and prepare young men and women to rise to their full spiritual potential as sons and daughters of God. We seek to prepare them to live and serve in the world, but we encourage them not to be of the world. The enormous resources devoted to this institution could not be justified if we did not provide a unique educational experience. What makes us unique is the spiritual dimensions we provide. By "spiritual dimension" I mean our faith in God the Eternal Father and His son Jesus Christ, our devotion to the principles of the Restored Gospel, our concern with personal behavior, and our commitment to the essential harmony of secular learning and the spiritual values that embody all truth.

President Edward H. Levi and President Harold B. Lee symbolize, just as they have expressed, the dual challenge of this University. One challenged us to be a University. The other reminded us of the unique kind of University we should be. I have previously expressed our dual concerns in this statement of purpose:

"Brigham Young University is concerned with teaching the fundamentals of spiritual and secular knowledge and with bringing those teachings into harmony in the lives of men and women in order to prepare them for a balanced and full life of service to God and fellowman."

We approach these challenges with humility and reverence. The Master was Himself a teacher, and His life and commandments remind us that the work of a teacher is the highest secular or spiritual calling in this life. At the inauguration of Howard S. MacDonald as the Sixth President of this University, President J. Reuben Clark of the First Presidency expressed our attitude toward learning:

"Thus God made clear that the gaining of knowledge is not to be like the commonplace work of earning a livelihood. He who invades the domain of knowledge must approach it as Moses came to the burning bush; he stands on holy ground; he would acquire things sacred; he seeks to make his own the attributes of Deity, the truth which Christ declared he was (John 14:6), and which shall make us free (John 8:32), . . . We must come to this quest of truth—in all regions of human knowledge whatsoever, not only in reverence, but with a spirit of worship."

Our reverence for learning applies to the secular as well as the spiritual aspect of the

challenge. In the same great address I have just quoted, President Clark defined the area of our concern with secular knowledge. He recognized no limits:

"In all his promises and commandments about gaining knowledge, the Lord has never withheld from our quest any field of truth. Our knowledge is to be continuous with the universe and is to reach out and to comprehend the laws and the workings of the vast depths of the eternities. All domains of all knowledge belong to us. In no other way could the great law of eternal progression be satisfied."

Speaking at our Faculty Workshop this fall, Bruce B. Clark, Dean of our College of Humanities, gave vivid expression to this same thought, describing what we must do if we are to measure up to this challenge. I quote Dean Clark with total agreement. He defines our privilege and our burden:

"First, we should never forget that, whatever else we are, our function is to be a genuine, first-quality university . . . with all that that implies of a climate for the free and open discussion of ideas, for research, for creativity, for pushing back the frontiers of knowledge and groping beyond. Unless we are a university in this true sense, clearly excellent in our academic accomplishments, we will betray the trust the Church has in us to stand with dignity among the universities of the world. . . ."

We must not falter at this challenge. We cannot use success in attaining our spiritual goals, which were also stressed by Dean Clark, as an alibi for failure to enjoy first-class status as a university. We must reinforce our drive for excellence in all areas of the University, and persist for superiority in some. We must be conscious of all that this goal requires for distinction in teaching and research, and for providing our students with intellectual experiences as challenging as they could receive anywhere. Over 60 percent of our teaching faculty, including instructors, now hold doctor's degrees. We must continue to increase our faculty's qualifications by other criteria, since the faculty is obviously the key to the excellence of a university.

I believe that this secular challenge will be understood and approved by everyone in this audience. Our other challenge, the one relating to spiritual values and personal behavior, may be less understandable to some. What I have to say next will, therefore, be directed to our honored guests, visitors, and others who may not share our persuasion that spiritual values are a proper concern of university training.

Not too many years ago the rhetoric of religion was familiar fare for university presidents, perhaps because so many of them had been trained for the ministry or were at least versed in ancient scriptures. Today ministers have largely given way to lawyers, and the university pulpit has passed from the Priest to the Pharisee. For this or other reasons, university audiences rarely hear a figure of speech such as that employed in 1899 by William Rainey Harper, the first president of The University of Chicago, who called the university the "prophet of democracy." According to Harper, democracy was "deeply concerned with morality and righteousness in individual and nation." As a result, Harper referred to education and religion, "the enlightenment of mind and soul," as holding high "the great ideal of democracy, its mission for righteousness. . . ." At Brigham Young University we still believe in democracy's mission for righteousness, and we still link education and religion in support of that goal.

What I have referred to as the spiritual challenge is vital to our theory of education for four reasons. *First*, our doctrine provides the key to what motivates us in the acquisition of knowledge. *Second*, our faith en-

lightens us on the means by which knowledge can be obtained. *Third*, our religion instructs us on the principles by which knowledge can be translated into proper behavior. *Fourth*, spiritual values supply the sense of direction that we believe to be lacking in our society today. I will consider these four points in order.

1. Motivation is probably the most important single factor in the acquisition of knowledge. An eager student is every teacher's dream. For members of the Church of Jesus Christ of Latter-day Saints, the will to learn is a religious imperative. Our religion teaches, and we inscribe on the official seal of this University, that "The Glory of God Is Intelligence." Our modern day Prophet, Joseph Smith, affirmed that—

"Whatever principle of intelligence we attain unto in this life, it will rise within us in the resurrection. And if a person gains more knowledge and intelligence in this life through his diligence and obedience than another, he will have so much the advantage in the world to come." (D&C 130:18-19)

Consider the impact of that doctrine on our motivation to learn. It also affects our attitude toward continuing education, which becomes not just a program but a commandment.

Second, spiritual values are also vital to our theory and approach to learning. On this matter our belief dates from a revelation given to the Prophet Joseph Smith in December, 1832, in Kirtland, Ohio. He was there instructed to establish the first school of our Church, to be known as the School of The Prophets. These familiar words are the divine prescription for the method of study in that school:

"And as all have not faith, seek ye diligently and teach one another words of wisdom, yea seek ye out of the best books words of wisdom; seek learning, even by study and also by faith." (D&C 88:118)

Seek learning "by study and also by faith." Similarly, President Joseph Fielding Smith has observed that "knowledge comes both by reason and by revelation." (Speech at Brigham Young University, June, 1971). These words go far to explain our conviction that an education is most effectively acquired not only by creating appropriate conditions for the "life of the mind," but also by an environment in harmony with the realm of the spirit. They also explain why we are concerned to exclude from this campus some forces and influences of the world. If we are to seek learning by faith, we must have an environment in which we may, like a worshiping assembly, enjoy the influence of the Spirit of the Lord, whose mission, according to the scriptures, is to "guide [us] into all truth," to "teach [us] all things" and to "bring all things to [our] remembrance. . . ." (John 14:26, 16:13.) Consequently, our standards of personal behavior and the restrictions we impose on our campus environment are responsive to our mission and to our approach to learning.

Third, the religious principles taught in this University guide each of us in the process by which we translate knowledge into behavior that is appropriate for the individual and beneficial to our fellowmen. We hold that education should be concerned with personal behavior. Along with John Ruskin, we affirm that education "does not mean teaching people what they do not know; it means teaching them to behave as they do not behave." (Stones of Venice, 1853). If education is properly concerned with behavior it cannot afford to ignore or omit concern with religion, which is the predominant value structure and control upon the behavior of millions who have been trained to believe in God and look to Him as the ultimate judge of human conduct.

If it is true that neither life nor property is safe in a condition of political anarchy,

then it is equally true that neither right conduct nor high ideals is safe where there is an anarchy of values. There is no anarchy of values at Brigham Young University. For example, the importance we and our students attach to the value of the home and our mutual respect for its governing authority explains how we can maintain strict rules of personal conduct on this campus at a time when similar rules, especially as regards residence halls, are crumbling at other institutions. Both we and our students look on university life as a sequel to a Latter-day Saint home, and we seek to reproduce its authority and its sustaining spiritual influence on this campus.

In our view, education without religion would be as incomplete as narrow vocational training without accompanying exposure to the humanities. It is the humanities that give creative insight into the significance of knowledge and help us relate it to the great framework of human experience. If the intellectual or secular pursuits of a University are described by the phrase "the life of the mind," then, to borrow a phrase from a former colleague, it is the role of religion to give "heart to the life of the mind." Religion, as we understand it, is the humanities of everlasting life. It provides a framework of values that guides behavior for the benefit of the individual and his fellowmen. It gives insight into the fact that this life is but one phase of an eternal existence that progresses from spirit birth as a child of God to the potential realization of all the attributes, accomplishments, and glory of the eternal parents. Is it any wonder that our religion is basic to our process of education, and that students schooled in this faith and sustained by the remarkably effective church organizations on this campus rarely suffer feelings of remoteness or alienation?

Finally, modern commentators are fond of observing that our society is suffering from a crisis of belief. Good people everywhere, and especially those severe but inexperienced critics known as "the young," question the integrity of our public institutions, the honesty of our public servants, and the soundness of our national priorities. Our hard-won technical and scientific accomplishments are being held up to ridicule by the observation that our generation is flying farther and faster, but on errands not much improved.

Along with other religious people, we affirm that the teachings of religion hold the solution to the crisis of belief and to the sense of indirection in our system of national priorities. To serve that goal, all who teach and work in this University preach the principles, ideals, and self-discipline of the Restored Gospel, and they practice what they preach.

By its emphasis on spiritual values in its educational program Brigham Young University contributes to the diversity of higher education, whose tolerance of diversity is among its greatest strengths and sources of creative innovation.

I have already stated our two primary goals for the future: first, to reinforce our drive for excellence as an academic institution; and second, to preserve the distinctive spiritual character and standards of Brigham Young University. As we observe this milestone, it is appropriate for us to establish some corollary goals for the future. This is not a time for attention to the glories of the past, lest we be like the description someone has given of the law and the legal profession, which was compared, unfairly in my view, to a bird that flies backwards because it does not care where it is going but wants to know where it has been.

As a first corollary to our overriding spiritual goal, we should continue to concentrate on the training, self-discipline and conduct of the individual. We deem it a corruption

to use the university or its facilities or organizations as a political pressure group, laboratory, or staging area for expeditions against business, the military, units of government or any other group. In this respect, we seek to emulate the Savior, who did not attack the social institutions of His time, corrupt though they may have been, but focused His efforts on perfecting the individual. If we perfect the individual, the purity and uprightness of individual lives will bring reform in the laws and organizations and practices of society. Our concentration on individual training and behavior is in contrast to the shrill and hysterical voices of activism that are based on some college campuses, in public forums, and in the political arena. To the outside observer some colleges must look like a pot that periodically boils over, and then goes dry. In our view the teaching enterprise should take the form of a steady, even heat applied to the process of individual growth, not a fire bomb or inflammatory rhetoric hurled at the nearest social or governmental institution. Our ideal for the process of individual growth and education is well expressed by the words Adlai Stevenson applied to patriotism. What we need, he said, "is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." (Speech, New York City, August 27, 1952).

As a second corollary to our spiritual goal, I hope we will remember that the most important thing about every member of this university community is that he or she is a son or daughter of God. The importance of that fact transcends all considerations of status (such as faculty, staff or student) and all matters of religious affiliation, race, or national origin. It is our goal to have all members of this community—in all of their dealings with one another and with all mankind—set an example of Christian living for the entire world to see. Just as the Gospel is to be preached to every nation, kindred, tongue and people, so also should representatives of all mankind find welcome on our campus and, within the limits of our resources, room in our midst. That principle is already embodied in our stated policy that—

"Students of any race, creed, color, or national origin are accepted for admission to Brigham Young University provided they maintain ideals and standards in harmony with those of the Church of Jesus Christ of Latter-day Saints and meet the University's academic requirements."

As an important corollary to our goal of academic excellence, I would like to suggest that Brigham Young University has no political objectives, only intellectual and spiritual ones. The principles we learn and teach here will be translated into political opinions and action. This is appropriate, for many of us have—and all of us should have—strong feelings on these important matters. Nevertheless, in the realm of learning, in the work of the university, our attitude toward matters purely political should be that characterized by Thomas Jefferson, whose first inaugural address counseled that "error of opinion may be tolerated where reason is left free to combat it."

In this connection, I hope we can achieve a moratorium on the use of the words *liberal* and *conservative* on this campus. I am persuaded by observation and experience that the damage caused by the use of those words far exceeds the value of the communication they foster. Among intimate friends, thoroughly familiar with one another's connotations and intent, these words may convey a clear meaning. But when these labels go out into the world to be repeated by others less knowledgeable and intimate, they become the enemies of understanding. So many different meanings proceed under these labels, political, religious, and otherwise. Under the category of "otherwise" are the

characterizations of my children, who say I am *liberal* with love and praise, but *conservative* with allowance and the family car. When we are tempted to employ these labels, I suggest that we substitute more precise descriptions. The possibilities include "loyal or disloyal," "dynamic" or "immovable," "wise or unwise" and scores of others.

As a final goal related to academic matters, we must excel at the planning and difficult decisions necessary to make progress with limited resources. This goal makes a virtue of necessity. It is commonplace that our entire system of higher education is suffering a crisis of confidence and financial support. Budgets are being slashed and services and programs are being curtailed. The Carnegie Commission on Higher Education recently predicted that almost 500 small colleges, enrolling about a half-million students, would have to close for financial reasons over the next few years.

While these figures give reason for concern, I am optimistic that the financial crisis is temporary and may yet lead to significant improvements in higher education. I will even venture to say a word in favor of limited resources. Some limitations can have a positive effect. Unlimited growth and resources do not require an institution to be reflective about priorities. As C. Northcote Parkinson has observed, "when funds are limitless the only economy made is in thinking." (The Law and The Prophets, p. 9). Limitations on numbers of dollars and students being the principle of opportunity cast into sharp focus, and put us face to face with the need for fact-gathering, evaluation, and quality control. Nothing new can be undertaken without confronting the need for consolidating, reducing or discontinuing something old.

We have passed through a period of extraordinary growth at Brigham Young University. We are now entering a period of maturing, deepening, and refining—upgrading the quality of all of our efforts. We are also concerned to make fuller use of our marvelous resources of plant and personnel. In response to that need we have just adopted a new year-around academic calendar, with three equal 16 week semesters in a year. The third semester will be broken into two independent 8-week terms, and we will encourage students to attend two and one-half semesters each year in order to complete an entire baccalaureate program in three years. We must also review the utility of all of our degree programs, especially the expensive doctoral programs, and compare them carefully with the probable demands of the market place and the needs of our church and nation. We are proceeding with that review, and with the other needs of this great university. Special mention should be made of the vital task of enlarging our library facilities, and of the promising student efforts already underway to raise money for that purpose. We also look forward to the early opening of the J. Reuben Clark College of Law, which will bring an exciting new dimension to the intellectual life of the campus.

The tasks I have mentioned can be accomplished only by the united effort of every employee and student of Brigham Young University, and by the understanding and support of the Board of Trustees. During the initial days of my service I have observed that effort and I have felt that support. I use this occasion to express my profound gratitude to our leaders and all others who work in this great cause.

My own role of leadership cannot be discharged without the wholehearted support of my dear wife June and our five children, and the understanding of our Mothers and other members of our families. It is the nature of this position that its burdens and dislocations spill over into their lives. I pay special tribute to June and our children for their cooperation, their understanding, and their



great efforts to assist in all that is required of us.

Finally, I acknowledge my hourly need of the guidance of my Heavenly Father. I am eternally grateful for the sustaining influence of the Restored Gospel in my life. I pray that I may live to be worthy of the guidance of the Lord and the confidence of His servants as I seek to fulfill the responsibilities of this great office.

#### FOOD AND DRUG ADMINISTRATION FAILS TO PROTECT CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, a recent article in the Washington Post, November 16, 1971, reveals the failure of the Food and Drug Administration to meet the needs of consumers.

It is the consumer's right to know the contents of packaged products he buys. The recent FDA equivocation regarding the percentages of water and orange juice in so called orange drinks is no real help to the consumer at all.

By establishing four nondescriptive categories, including a percentage variation of 35 percent in one category, the FDA has failed to promulgate regulations which meet the public need or are even as strict as a large part of the industry has stated it is willing to accept. As the article points out, the Florida Canners Association has suggested a better plan for revealing product content than has the FDA.

Certainly a more exact statement of product content than that proposed by the FDA is necessary if a consumer is to be able to make an informed decision about what he buys. As Mr. Gold's article notes, it is perfectly legal to sell a consumer 46 ounces of "orange juice" that is so watered down that only 4.6 ounces are actually orange juice—the public is being deceived on a ratio of 9 to 1.

The Food and Drug Administration should have stricter regulations requiring disclosure of content—not only for orange drinks, but for the many other products where consumers are misled by the labeling on the packaging of food.

I commend Bill Gold's article to my colleagues, who may wish to express their concern to the appropriate officials. The article follows:

#### How MUCH Is "JUICE" AND How MUCH Is WATER?

(By Bill Gold)

One of the country's best consumer authorities, Sidney Margolius, has sounded a warning about watered orange drinks.

The Food and Drug Administration was supposed to be drawing up rules that would require labels to reveal the true percentages of juice and water.

Instead, the FDA has brought forth a proposal that has been so (forgive me) watered down as to be almost worthless.

For at least 10 years, consumers have been trying to get canners to tell the simple truth about what's inside each can. A big 46-ounce can of "juice" for 39 cents looks like quite a bargain until one wonders: "Is that 46 ounces of orange juice, or 'orange drink,' or water; or what?"

Writing in *The Machinist*, Margolius says it quite often turns out to be 90 per cent water and 10 per cent juice.

In these cases, mind you, the consumer gets the equivalent of 4.6 ounces of orange juice for his 39 cents, not 46 ounces.

So there was a big push to get FDA to require factual labeling. After pondering the problem for a long time, FDA has put forth a proposal that would permit very substantial obfuscation of true content.

The FDA proposal would establish four categories. "Blended orange juice drink" would have at least a 70 per cent orange juice content; "orange juice drink" would contain from 35 to 70 per cent orange juice; "orange drink orangeade" would contain from 10 to 35 per cent orange juice; and "orange-flavored drink" would contain "less than 10 per cent" real orange juice—presumably down to zero per cent.

This cute Madison Avenue wording is deceptive and needlessly confusing. It would take a long time for some buyers to memorize these tricky distinctions. In their ordinary, every-day meanings, the words "orange drink orangeade" certainly do not convey the connotation "90 per cent water," but that's what they could legally be used for under the FDA proposal.

What's more, the variations possible in such broad categories as "35 to 70 per cent" and "10 to 35 per cent" make value shopping impossible.

"Moreover," Margolius notes, "the FDA proposal does not include any labeling requirement for beverage powders like Tang, which have no juice content at all. Nor, very importantly, is there any requirement that canners must state the actual percentage of water."

"At present, the labels list the ingredients in order of importance. 'Water' is listed first. But you never know whether the product has 50 per cent water or 90 per cent."

Dr. Virgil Wodicka, director of FDA's Bureau of Foods, argues that a more exact declaration of juice percentage would be too difficult for FDA to monitor.

Margolius comments: "This claim is rather incredible since at least one canner now is labeling diluted beverages with the actual juice content. Too, a large part of the industry has said it is willing to label within a 10 per cent tolerance, which really is plenty of leeway."

He notes, also, that "even the Florida Canners Association" has put forth a better plan than the FDA's. The association has suggested categories identified in plain language rather than tricky wording, and juice content stated in 10 per cent increments. Virginia Knauer, the President's consumer assistant, also supports more exact percentage labeling than FDA has proposed.

Margolius suggests that those who object to the FDA's watered down labeling proposals ought to take the trouble to say so, right now, while it might still do some good.

You can write to Dr. Virgil Wodicka, in care of the Food and Drug Administration, 5600 Fishers La., Rockville, Md. 20852. You can write to his boss, Dr. Charles C. Edwards, Commissioner of FDA, at the same address. And you can send a copy of your comments to: Hearing Clerk, FDA: Room 6052, also at 5600 Fishers La., Rockville.

People sometimes complain that our government "isn't responsive," but I think the charge is grossly overstated. It would be more accurate to say that too many of us are passive about the government's shortcomings and don't bother to make our views known. Even in a dictatorship, public opinion can't be thwarted indefinitely. Our advantage in a democracy is that we have the opportunity to work our will so much more quickly and easily.

How sad it is that we are so often "too busy" to participate in self-government.

#### AMENDING INTERNAL REVENUE CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I am filing a bill which would amend the Internal Revenue Code of 1954 to provide that bond interest received by individuals 65 or over, under the series H U.S. Government savings bond program, be excluded from gross income in calculating their personal income taxes. In doing so, I feel I am both encouraging a good program of fiscal responsibility, while at the same time providing a needed measure of relief to those over 65. I feel that such relief is fair and equitable and is fiscally sound. It rewards those living on a fixed income who have invested in their own Government's securities.

My proposal would serve two purposes, it would stimulate the sale of series E bonds for ultimate conversion in retirement years to a tax-exempt bond and it would also stimulate the sale of series H bonds to retired persons who would want to take advantage of the tax-exempt feature. This no doubt would help solve the problem of "cash-ins." I do not feel that there would be any marked disintermediation in the savings industry because of this measure, in view of the fact that H bonds pay semiannual interest at a lower rate for the first 5 years of a 10-year bond while savings accounts generally pay interest at a uniform rate.

I am also today filing a bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes, for individuals who have reached the age of 65. For those in that same age group who pay rent as opposed to owning their own property, the bill proposes that the same credit would be available for an equivalent portion of rent paid on their residences.

As I have already outlined in a recent speech on the problems facing the elderly as far as housing is concerned, far too many people over 65 are being forced to sell their family homes of many years because they can no longer afford the skyrocketing real estate taxes on their fixed incomes. Several State legislatures have addressed themselves to this problem by providing relief from State income taxes. I propose to provide relief across this Nation on a uniform basis by making available a credit on U.S. income taxes. I am happy in this instance to be filing what is in effect a companion bill to that filed earlier by my distinguished colleague from Illinois, Congressman PAUL FINDLEY.

In filing both these bills, I feel I am doing more than making speeches on the problems facing the elderly and participating in the current Conference on Aging sponsored by the White House. I am attempting to enact meaningful legislation. What better way is there to mark this important week for the elderly?

### TRIBUTE TO CHUCK HUGHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, I rise before this body to pay special tribute to a young man who tragically passed away last month while playing in a National League football game—Chuck Hughes.

Chuck and his wife, Sharon, lived in El Paso, Tex., my hometown, with their son, Brandon Shane. During the off season, he was employed by the El Paso National Bank. He was respected and well liked in his community as he was by his contemporaries on the football field.

Like some of my colleagues who have demonstrated their pride in having Chuck reside or work in their congressional district, I, too, want to express my highest esteem and pride in him. Chuck started his college career at the University of Texas at El Paso. At the time of his attendance, the university was known as Texas Western College. During his 3-year attendance at the university, the college football records he set were amazing, and in some instances those records still stand unchallenged.

Chuck's position with the Miners was that of flanker and during the Sun Bowl game in 1965, he was the leading pass receiver, having caught six passes for a total gain of 115 yards, scored one touchdown, and had two punt returns for another 19 yards.

During the 1965 season, prior to the Sun Bowl game, he had 10 receptions for a total gain of 349 yards. In the game played against North Texas State, this was a record-setter not only at the University of Texas at El Paso, but with the National Collegiate Athletic Association—a record that still stands for a single game achievement. He went through the 1965 football season breaking records as if this were second nature to him. Some of those records were: Held the record with 80 receptions for the 1965 season; tied with Ed Puishes with 12 receptions—most passes caught in a single game; held the record for most yards on receptions—1,519; second in most kickoff returns, 19; second with most yards on kickoff returns, 466; second man for most touchdowns scored in 1965, 12; and second with most points scored in 1965, 78.

For 3 years at UTEP, Chuck scored 21 touchdowns totaling 126 points, making him the second highest scorer in the history of UTEP.

We hear a lot about individual effort and I feel Chuck's record shows the kind of individual he was—a man dedicated to excelling in his job and doing it with the finesse of a professional.

Chuck will be missed by his friends and admirers in the game of football, by his colleagues at the El Paso National Bank, by his wife and son, and by all those who admire and respect men of his stature.

### THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

(Mr. BRADEMAS asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, as chairman of the Select Subcommittee on Education of the House Committee on Education and Labor, the subcommittee which considered the comprehensive child development legislation, I would like to take this opportunity to share with my colleagues further letters and articles indicating support of the child development program, now title V of the conference committee report in S. 2007, the Economic Opportunity Amendments of 1971.

Because the House will next week vote on the conference report, I take this time to provide this further information concerning the bill.

#### CHILD DEVELOPMENT LETTERS OF SUPPORT

Mr. Speaker, the following letters are indicative of the continuing support of the child development program.

For example, here is a copy of a letter sent to each Member of the House and Senate by Dr. Jay M. Arena, president, American Academy of Pediatrics:

DEAR CONGRESSMAN: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,

President, American Academy of Pediatrics.

Mr. Speaker, the Christian Science Monitor on November 12, 1971, published the following two articles on existing day care programs:

[From the Christian Science Monitor, Nov. 12, 1971]

#### CALIFORNIA MIXES LEARNING WITH DAY CARE (By Dorothy Dee)

POMONA, CALIF.—Carol is a pretty girl of 16. She goes to school at Gary High School, and after school she works at the Madison Children's Center.

Shortly after I arrived at the center one day, Carol came bouncing into the room asking how all her babies were. She said that Wesley had told her that he was in love with her. No wonder that he loves her, for she loves him very much. What more does a child need when he must be away from his mother all day?

The center cares for the needs of approximately 75 youngsters whose parents must be at work. They range from two years old through third grade, and there are more than 25 names on a waiting list.

As a state-supported institution, the center is for parents who meet the low-income requirement established by the California Legislature. The fee each parent pays is based upon the gross family income and the number of children in the family. The fee generally doesn't amount to more than 10 cents an hour.

#### LAUNDRY DAY

The day I visited the center, a washing machine and dryer were running full speed, doing the center's laundry. Included was the bedding for each child that is used at nap time, plus a certain amount of personal clothing for the children, as well.

Each child has his own bed here, and the center furnishes the bedding.

The center is administered by the Pomona Unified School District, which contributes the building and certain administrative services. It does not provide direct financial support.

Of the 350 similar centers in California, 81 are in Los Angeles.

In 1943, when the Legislature enacted a bill authorizing the establishment of a statewide Child Care Center Program, it was placed under the state's department of education, with administration in the school district in which each center was located.

#### SOCIOLOGY STUDENTS HELP

The principle of partial financial responsibility was later adopted, the parent paying approximately a third of the cost and the remainder being derived from state funds.

Out in the yard, two young men were playing with the children and teaching them a game. The men were sociology students from nearby Mount San Antonio College who come to the center each afternoon as field workers.

Occasionally a couple of boys come to help from the Neighborhood Youth Corps, a federally funded program.

Mrs. Geri Bohlen, director of the center, has been here since its opening in January, 1970. Her staff includes seven teachers, one teacher assistant, a cook, and a yardman.

The director of each center must have a bachelor's degree and each teacher must have 60 college units, 12 of which must be in early childhood education. The teachers must all have Children's Center permits from the state.

#### SCHOOLING INCLUDED

During actual school hours, the children who are 5 years of age and older attend the Pomona unified schools. Preschool classes in Spanish, numbers, and words are conducted at the center during the morning hours.

Mrs. Bohlen said they would like to build another building; the kitchen is inadequate to prepare the two meals a day plus two snacks that they serve the children.



She admits to mixed feelings about taking children as young as two years old. But, she points out, it is the mothers of that age group who especially need the help—they can slip into the welfare pattern and never get out.

Sen. John V. Tunney (D) of California, in discussing beginning education, has said that he believes, from experience with his own children, that those as young as three years old are ready for school.

Perhaps, with the experience gained at the Children's Centers, California children may some day begin school at this early age.

From the Christian Science Monitor, Nov. 12, 1971]

#### YOUNGSTERS PROFIT BY GOING TO WORK WITH PARENTS

(By Julia Malone)

BOSTON.—A factory in Boston has started inviting children to come to work with their parents. The Green Shoe Company here recently joined the small group of American firms that operate their own day-care centers.

At Green Shoe the rumble of factory machines fades into the background behind the parents of the children's center, part-time home for 27 children, ages 2½ to 6.

About half the youngsters are children of factory employees, who often join them in the center for the lunch hour.

The other children come from the mostly black, low-income neighborhood around the factory.

Like other child-care centers, the one at the Green Shoe plant aims to do more than babysit. Staff members plan teaching units and set goals for even the youngest child, and they keep records on progress. For a two-year-old the goal is learning to speak in sentences. A six-year-old is learning to read. Mornings are "study" times. Not that the children sit quietly listening to teachers. In the corner a teacher and child soften clay for modeling. At a table Heidi, a pigtail hanging down her back and hands oozing with paint, dips into her finger painting. At another table a teacher reads aloud with a group of kids.

#### YOUNGSTERS CHOOSE

"I don't think any of us care about marching the children two by two," says Miss Rebecca Tufts, a teacher. "They choose what they want to do." The 5-to-1 student-teacher ratio allows for plenty of individual decisions and attention. About the only group activities are rest period and meals, though music time usually attracts all the children. The center was organized last May by Mrs. Miriam Kertzman. A onetime schoolteacher who has worked with Head Start, she designed the center for the Green Shoe factory "make children feel good about other people and about school."

Under her direction, the center follows an unwritten rule—that learning must be fun. When the children studied farms, they all took a trip to the supermarket where each child bought a vegetable or a fruit. Back at school, they examined their purchases, compared structures, and finally ate them. When all research was complete, they were ready for a field trip to a real farm.

#### SOME BRING PROBLEMS

Trickier than making school fun is teaching children to "feel good" about other people. Children sometimes come to the center with tough problems. For some, a few months at the center has made "the difference between night and day," comments Miss Tufts. These kids now talk, smile, and participate with others.

Cathy came to the center speaking only Spanish. A pleased mother, stopping by the center before work, reported: "She speaks English now."

When Mrs. Kertzman picked her teaching staff, she was careful to choose a diverse group—including black and white, men as well as women.

"The children should see the world as it is," Mrs. Kertzman explains.

The two men on the teaching staff hardly fit the stereotype of nursery-school teachers. Tall and moustached, Phillip Baimas worked as a mechanic for a construction company before coming to the children's center.

"It was a big change," says Mr. Baimas, a Brandeis graduate. "One week I was working with trucks, the next week children. At first I always made a point of telling people where I used to work."

#### "BEST JOB I'VE HAD"

Now he's not so defensive about his new work and calls it "the best job I've had so far."

Before a cook was hired, Mr. Baimas and fellow teacher Tommie Campbell, a Jackson State College graduate, took their turns cooking lunch along with the women.

As the center develops Mrs. Kertzman plans to place the command in the hands of the parents. Already parents have written rules for the center. And to help keep families involved, parents, children, and staff have a monthly dinner together. Eventually the parents will form a personnel committee to take charge of hiring the staff.

Cost for the center is shouldered by the federal government, parents, and the shoe company. The neighborhood children are paid for by the government, while employees of the factory pay \$10 to \$25 a week for their children, according to how much they can afford.

#### A LOGICAL PROJECT

Arnold Hiatt, company president, says the children's center is a logical project for his company. His firm is in a children's business. (They make "Stride-Rite" shoes for children.) And the factory is located in an area where many parents need day care. "We put two and two together," he explains.

He explored a franchised day-care plan but concluded that a profitmaking company would "have to make some decisions against the best interest of the day-care center." So he decided to set up his own center.

Now that the center is established, he is laying the groundwork for helping "graduates" from day care. He has started talking to private schools to find scholarships for the children.

Meanwhile, he says he's hoping that his factory won't be an isolated case. "It's very easy to write out a check for some fund," he comments, but the day-care center is a "more stimulating type of community involvement."

#### REALIZATION OF GOAL

Mr. Speaker, the preceding information supporting child care development is just a small example of the overwhelming support which this legislation has received.

I hope the conference report on which the House will vote next week will receive the same sharing bipartisan support which it won today in the other body.

Another letter to the editor appeared in the Elkhart, Ind., Truth, from Mrs. Judith Schrock:

[From the Elkhart (Ind.) Truth,  
Apr. 15, 1970]

#### BACKS U.S.-FINANCED DAY CARE CENTERS

EDITOR, THE TRUTH:

For certain all of us are greatly concerned about how our tax dollars are spent.

Federally-supported Day Care Centers are a means for getting the most for your money. It is a program that would hopefully

result in our nation having better citizens who are self-supporting and making a healthy contribution to our society.

In our nation there are at least six million poor children under six who need nutritional and health care plus preschool education if they are to keep up later on in schools and jobs. Between two and three million children are suffering from severe malnutrition. A total of 50,000 children under age seven die yearly because of neglect of their safety, diet, and medical needs. An estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural, not genetic, factors.

With the continually rising consumer demands and cost-of-living, more mothers will enter the labor force. Under the Work Incentive Program (WIN) welfare mothers are encouraged to take jobs. Care must be provided for the young children of these working mothers.

We do have a say in the direction of government spending. We can choose to continue supporting convicted criminals during their prison terms and mentally disturbed patients in an institution or we can do something for them while they are still young. We can provide comprehensive services—health, nutrition, rest, relationship with others, and new educating experiences.

Day Care Centers can do this if they are well-funded and have community support. Decide how you want your tax dollars spent. Encourage Congressman John Brademas as he introduces a bill to provide a variety of programs for children under the age of five.

Mrs. JUDITH SCHROCK.

#### ARTICLES SUPPORTING CHILD CARE

Mr. Speaker, for the past few years a growing number of articles have been written indicating the need for a child development program. Yesterday I inserted into the RECORD several editorials and articles supporting child development programs. I would like again today to cite more articles on this subject.

For example, I am now inserting two letters to the editor which appeared in the Washington Post on December 1, 1971:

[From the Washington Post, Dec. 1, 1971]

Congress has passed a comprehensive child care bill providing day care plus health and nutrition services free for children of parents with up to \$6900 income, and a sliding scale of fees for richer persons. President Nixon opposes the bill on the ground of cost, and in fact Congress whittled down the bill somewhat to avoid a threatened veto, although the bill was supported by many Republicans.

This shows the lack of decent priorities on the part of the President. He insisted on Congress passing a bill to provide a vast sum to help Lockheed Aircraft and the bankers who had lent that badly managed company money. But he balks at money for day care centers to help mostly very poor women to take a job, some of them helping to run the day care center. If they were not poor they would pay part of the cost and could add their labor to the productive capacity of the country while their children were being well cared for during the day.

Actually an investment in the health and nutrition of children is the best investment our country could make. It is a disgrace that the President should oppose it.

ALFRED BAKER LEWIS.

RIVERSIDE, CONN.

[From the Washington Post, Dec. 1, 1971]

#### RELIEF FOR WORKING MOTHERS

Many working mothers will be hoping for a favorable vote on Senator Tunney's child care bill.

Unlike the minorities we, middle class citizens, have no platform or organization to lobby for us—it is unfortunate that no one speaks for those citizens with values accentuated by the words: decent, honest, and hard working . . .

It is regrettable to read that a certain congressman would discredit this bill by saying that working mothers use their paychecks "to purchase new cars and clothes"! Perhaps the congressman would be wiser to worry more about where the appropriations for the C-5A are being spent, how to rid this nation of its tremendous drug and crime problems, etc., instead of worrying about where a housewife is going to spend her paycheck.

If enacted, this bill would be of great monetary assistance to many housewives who must work in order to make ends meet. Too many women must use nearly half of their take home pay to secure child care; therefore, many prefer to stay home and collect welfare which ironically gives the mothers more money than they would get in weekly wages after paying for child care.

Businessmen are allowed numerous deductions and even have a miscellaneous portion to deduct each year; is the working mother to be denied this one legitimate deduction?

Also to be considered are the many women who do care for children in their homes and pay no taxes on the income that they are earning; this bill would eliminate this practice.

Inevitably, the middle class must always bear the brunt of new increases in taxes, seldom being a recipient of the corresponding bill's benefits. In all fairness to middle class men and women—the child care bill may not be the answer to middle class money woes but it's a small relief and a beginning.

Mrs. D. WOODMAN.

Alexandria.

Mr. Speaker, I am now inserting two letters from the U.S. Catholic Conference:

DECEMBER 1, 1971.

DEAR CONGRESSMAN: I am enclosing a copy of a letter addressed to Rep. Carl D. Perkins, Chairman of the House Committee on Education and Labor, from Msgr. James T. McHugh, Director of the Family Life Division of the United States Catholic Conference, in support of the Conference Report on S. 2007, the Economic Opportunity Amendments of 1971.

In addition to support for continuing the OEO program, the U.S. Catholic Conference is particularly concerned that Title V, the Child Development Programs, be enacted. Msgr. McHugh has carefully examined the provisions of Title V and is satisfied that S. 2007 makes adequate provision to safeguard the rights of children and parents.

I would hope that you could give your support to the Conference Report on S. 2007.

Sincerely,

JAMES L. ROBINSON,  
Director, Office of Government Liaison,  
United States Catholic Conference.

NOVEMBER 30, 1971.

HON. CARL D. PERKINS,  
House of Representatives,  
Washington, D.C.

DEAR MR. PERKINS: I write to you in support of the Conference Report on S. 2007, a bill continuing the Economic Opportunity Act of 1964 and establishing Child Development programs to service the needs of children, particularly those with special problems and those from low-income families.

The final version of the Child Development bill, as contained in the report of the Conference, emphasizes the special needs of children in poor families, and establishes a preschool child care program that will support their emotional and educational development. It also provides funds for special programs and services for handicapped children. Achievement of these aims will support the quality of family life, and will provide valu-

able assistance to poor families and minority group families. The special recognition and assistance for handicapped children will help these children achieve a greater measure of opportunity as they grow and mature.

It is our hope that this legislation will be readily endorsed by the Congress so as to provide the best opportunities to all American children.

I would appreciate your making our views known to the members of the Congress in their consideration of the Conference Report.

Sincerely,

(Rev. Msgr.) JAMES T. MCHUGH,  
Director, Family Life Division, United  
States Catholic Conference.

Mr. Speaker, here is a telegram from the executive director of the Child Welfare League of America, Inc., Joseph H. Reid:

NOVEMBER 24, 1971.

HON. RICHARD NIXON,  
The White House,  
Washington, D.C.

The Child Welfare League of America requests your support for the Conference Report on the Economic Opportunity Amendments of 1971, particularly with respect to the Comprehensive Child Development title. Your support of this legislation providing comprehensive child care meeting sound federal standards for children from a wide range of socioeconomic groups would honor your 1969 pledge and commitment to provide opportunity for healthy and stimulating development during the first five years of life to all American children.

JOSEPH H. REID,  
Executive Director, Child Welfare League  
of America, Inc.

Mr. Speaker, I would also like to include a telegram received on December 2, 1971, from Eileen M. Jacobi, executive director, American Nurses Association:

DECEMBER 2, 1971.

HON. JOHN BRADEMAs,  
Strongly urge your support of child care bill as in conference report S. 2007.

EILEEN M. JACOBI,  
Executive Director, American Nurses  
Association.

Mr. Speaker, I would now like to insert correspondence from M. Carl Holman, president, the National Urban Coalition:

DECEMBER 1, 1971.

DEAR CONGRESSMAN BRADEMAs: The National Urban Coalition has continually and strongly supported the comprehensive anti-poverty legislation on which Congress will vote this week. We feel that S-2007 is an excellent measure designed to help eliminate the vast problems of poverty in our country. The child development portion of this bill, one of the most significant pieces of legislation in some time, will enable communities to create urgently needed day care facilities for the poor and working poor.

As you know, a large and influential coalition of labor organizations, women's groups, church organizations, civil rights and minority groups, professional associations, mothers and middle class organizations are supporting passage of this vital bill.

We trust you and the large majority of your colleagues will support this effort to better this country. The failure to pass S-2007 would be a backward step in our progress toward equal opportunity and a more just society.

Sincerely,

M. CARL HOLMAN,  
President, The National Urban Coalition.

NOVEMBER 2, 1971.

HON. RICHARD M. NIXON,  
Hon. ELLIOT RICHARDSON:

The National Urban Coalition urges you to support the compromise child develop-

ment bill that will be reported out of the Conference Committee. There is a critical need for comprehensive child development programs for the poor, near poor, and middle class, involving strong local parental participation. This country must act in its self interest to pass this significant measure.

M. CARL HOLMAN,

President, The National Urban Coalition.

Mr. Speaker, I am pleased to share with you two letters from Mrs. Theresa W. Lansburgh, vice chairman, Developmental Child Care Forum, 1970 White House Conference on Children:

NOVEMBER 30, 1971.

DEAR SENATOR MATHIAS: Knowing of your long time commitment to and interest in day care, I have not written to you during this long period of discussion of the Child Development Bill. However, I do feel that it is important that this bill pass now, and am writing to urge you to vote for S2007.

The Developmental Child Care Forum of the 1970 White House Conference on Children, of which I was Vice-Chairman, arrived at a consensus in delineating those factors which we considered urgent for inclusion in a day care bill. I quote from the final recommendations of the Conference: 1) "We recommend that a diverse national network of comprehensive developmental child care services be established to accommodate approximately 5.6 million children by 1980 through consolidated Federal efforts via legislation and funding, as well as through coordinated planning and operation involving state, local and private efforts. The network's ultimate goal is to make high quality care available to all families who seek it and a children who need it."

By 1980 it should be prepared to accommodate approximately 5.6 million of the estimated 57 million children potentially requiring developmental day care services, at a yearly cost of approximately \$10 billion. Immediate efforts should be made to accommodate at least 500,000 children in each age group (infants, preschool, and school-age). These efforts will require \$2 to \$2.5 billion Federal money per year, assuming that the amount can be matched from non-federal sources, local, state, and private. Such a network must be comprehensive in service including at least educational, psychological, health, nutritional, and social services; and the services must support family life by ensuring parent participation and involvement as well as including a cooperative parent education program.

The network must offer a variety of services including, where appropriate, group day care, family care, and home care, as well as evening and emergency care. Services must cover all age groups from infants through elementary school age. While working toward the above goal, first priority for space should go to children and families in greatest need, whether the need be economic, physical, emotional, or social. One hundred percent funding should be made available for those who cannot afford quality child care; a sliding scale should also be available for those above the poverty level who are unable to bear full cost of the same developmental opportunities as those given children who must be fully subsidized by public funding.

(2) We recommend that the quality of child care services in America be ensured through innovative and comprehensive training of child care personnel in adequate numbers; parent and community control of services; and supportive monitoring of services and programs with enforcement of appropriate standards. The Federal government should fund and coordinate a combined effort by all levels of government, education institutions, the private sector, and existing child care organizations to train at least 500,000 additional child care workers annually over the next decade.



Education should be provided for training staff, professionals, preprofessionals, and volunteer staff who work directly with children; administrative and ancillary staff of child care programs; and parents. To ensure that the system is responsive to demands for quality care: Parents of enrolled children must control the program at least by having the power to hire and fire the director and by being consulted on other positions. Parent and local communities must also control local distribution of funds and community planning and coordination. To ensure the continuing quality of child care: Standards for service facilities and program elements must apply to all child care services, regardless of funding or auspices.

I think that S. 2007 squarely faces the issues raised in this document and develops strategy to meet and answer these concerns. I hope that it will be possible for S. 2007 to become law. Delay in the passage of major legislation in this area will seriously penalize many hundreds of thousands of children who are in inadequate and seriously damaging care. Passage of the bill now could be the beginning of a landmark effort and policy for the United States in developing a preventive approach to children's needs. National policy has, until now, been based on the deficit approach; once signs of abnormal behavior have manifested themselves and been recognized, treatment has been instituted where available. As I said in a recent speech, "We now know that many difficulties and problems are susceptible to early intervention. As the Joint Commission on Mental Health of Children stated, 'Our lack of commitment is a national tragedy. We know already that it is more fruitful to prevent damage to our young than to attempt to patch and heal the wounds. We know that much of the damage could be avoided in the first three years of life. We know that the basis for mental development and competence is largely established by the age of six.' Society has accepted the necessity to be of assistance or even to intervene to assume child-rearing responsibilities in time of crisis. Now it is found necessary to make provision for preventive and support services which will supplement the family during years when children are dependent, and to provide developmental opportunities which will assist positively in the process of socialization rather than relying on the deficit model of intervention."

We are counting on your continuing support for S. 2007.

Sincerely yours,

THERESE W. LANSBURGH,  
Vice Chairman.

SEPTEMBER 6, 1971.

DEAR SENATOR BEALL, I have just learned that the Child Development Bill, S. 2007, is scheduled for floor action on Tuesday, September 8, and I am writing to you immediately to urge your strong support for this bill. Having served as President of the Day Care and Child Development Council for four years, as Vice Chairman of the Developmental Child Care Forum of the White House Conference on Children, and as President for three years and Honorary President since then of the Maryland Committee for Day Care of Children, I am and have been deeply concerned about and committed to ameliorating the serious neglect which is occurring to American children as the result of lack of day care services. 640,000 spaces, all across the country, when 12,000,000 children under fourteen have mothers who are working; over 4,000,000 of these children are under six, and the numbers are continuing to increase.

This serious gap in our capacity to provide proper care for our children comes at just the time when science has been learning in more and more detail of the importance of the early years in determining later development. I enclose for your perusal, a

copy of a part of a paper which is not for publication by you, as it belongs to the Child Welfare League of America, which owns the rights to all material presented at its Conferences, and may be printing the paper in its Journal. However, I hope that it will be beneficial in interpreting to you the crucial importance of the passage of a bill which will provide funds for optimal child development programs.

The crucial issue is not only whether this country authorizes day care centers, but that it funds them adequately and establishes a base which will lay the foundation for a new service system which will protect and nourish the development of America's children while allowing for the diversity of the country, and the importance of supplementing rather than supplanting the family. I believe S. 2007 comes the closest to having worked out the complicated process of establishing such a delivery of service system. It includes funds for training, for construction, for start up expenses as well as for on-going program—and in the magnitude spoken to by the Developmental Child Care Forum. The future of this country hinges on its future citizens. I urge you not only to vote for this Bill, but to actively work for the support of your fellow Senators for its passage.

Sincerely,

Mrs. THERESE W. LANSBURG.

#### TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

America has the most complete transportation system in the world. A traveler can go from one coast to the other and return in the same day. President Nixon remarked of transportation progress:

I see America on the move. A mighty band of explorers. Determined to search beyond the distant hill. And possessed of matchless opportunity. Skyway. Byway. Or superhighway. This is our country.

#### MISSOURI FARM PRODUCTION

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

Mr. HALL. Mr. Speaker, the farmers in Missouri are independent. They want to earn their way. And they have demonstrated this with enterprise and vigor in the past. Last year, Missouri farmers produced more than \$275 million worth of agricultural products for the export market. They ranked fifth among the States in soybean exports, fifth in protein meal and soybean oil, fifth in meat and products, sixth in rice, 10th in cotton, and 10th in poultry.

They are proud of the contribution they are making to the favorable ratio of farm exports to imports.

Yet this year they stand to lose ground in this battle for a favorable balance of payments.

Why?

Because of dock strikes that have stifled attempts of U.S. farmers to move their agricultural production into world markets.

Farmers are asking the Congress: What can be done about this situation? And our reply must be: We will start at once to consider legislative action to safeguard the interests of farmers and the American public during prolonged labor-management disputes affecting the national transportation system.

#### PROTECTING FARMERS AND THE PUBLIC DURING LABOR-MANAGEMENT DISPUTES

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, Arkansas farmers are feeling the severe pinch caused by dock strikes.

Agriculture is important to Arkansas. My State ranks eighth in value of all commodities exported during fiscal year 1971. We exported soybeans valued at \$108 million; rice valued at \$73 million; cotton valued at \$53.1 million; poultry valued at \$5.7 million; and wheat and flour valued at \$8.6 million.

These are substantial sales. They are an indication of the strength of agriculture in Arkansas, and the ingenuity of her farmers in seeking dollar markets through export channels.

This year such enterprise is denied them. Dock strikes have either closed off the opportunity for sales contracts, have scared away foreign buyers who do not believe the U.S. sellers can deliver, or has deteriorated our economy to the point that corn prices have been forced downward as much as 10 cents a bushel and soybean prices have been forced down as much as 25 cents a bushel.

The solution to the dilemma in which we find ourselves is not recrimination against any other segment of the economy. Instead, we must find a remedy for the economic ailment. An equitable and fair remedy would be the immediate consideration of legislation such as H.R. 3596 to provide a mechanism to deal effectively with labor-management disputes in the national transportation system while protecting the interests of farmers and the public.

#### FARMERS HOME ADMINISTRATION SUPPORT FOR RURAL AMERICA

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in rural areas such as our Third District of northwest Arkansas, we have learned not to hope for much concentrated attention from agencies that are oriented toward city problems. But we are getting fine assistance in rural communities because of the excellent service developed through a rural agency, the Farmers Home Administration.

The Third District accounts for \$89½ million of \$278 million in farm, housing and community facility credit now outstanding in Arkansas through the rural FHA. We believe it is in order that we commend the administration, the Farmers Home Agency and its able adminis-

trator, former Congressman James V. Smith of Oklahoma, on what is being accomplished to insure that the family farm and rural community can survive and prosper in this country.

Many small communities in our hill and mountain areas flourished in the early 1900's, then dwindled away by the middle 1900's. They were given up for lost by those who concluded that the small country town, once on the skids, could never make a comeback.

But a growing number of towns in our district have refuted those predictions and are newly alive and thriving once again. Primarily, they have been reborn not through any formalized government plan of salvation, but rather through the enterprise and determination of their local people. However, some Federal as well as State programs have made substantial contributions, and as their stories are reviewed, the Federal agency whose name recurs most often is the Farmers Home Administration.

An example is found in the history of Bellefonte, a small community in Boone County, Ark., a few miles from my home town of Harrison.

Bellefonte is now in its 100th year. It was incorporated on July 1, 1872, and was one of the first towns to develop in this section of northern Arkansas. But in its early years it lost out to Harrison for designation as the county seat, and by the 1950's Bellefonte had declined to the point that it lost its status as an incorporated town.

However, the nucleus of a town remained—families determined to keep alive the community of Bellefonte.

In the mid-1960's, the people remaining there resolved to restore their name to the map of Arkansas. They reincorporated the town of Bellefonte.

A vital part of their plan to rebuild the community called for installation of a modern water system. They found the financing for this project at their county office of the Farmers Home Administration. Much fine assistance was provided by FHA county supervisor Bob Hankins, who today carries on his good work on a statewide scale as State director of the Farmers Home Administration in Arkansas.

Bellefonte's new water system was financed with a loan through the rural community facilities program administered by Farmers Home. This project gave Bellefonte one of the necessary elements for home renewal and the attraction of new business.

The next community project was aimed at meeting a need for decent low-cost rental housing. Bellefonte's school building, built as a WPA project in 1936, had ceased to function as a school in 1965. Again with a Farmers Home Administration rental housing loan, this building was converted into an apartment building where two-bedroom and three-bedroom apartments were available to elderly people and other families not yet in position to buy their own homes.

Bellefonte now has attracted a new tractor and farm equipment firm as an important addition to its business. Farmers Home Administration rural housing credit to individual families has ac-

counted for 27 new family-owned homes. With tax base broadened and business stimulated by these building activities, natural gas has been brought into the town, streets are paved, and a movement has started to organize a fire department. Population has increased from 300 to 450 over the past 2 years. School enrollment is up by 7-percent over last year. Plans are being made by one of the four church congregations to erect a new building.

Thus, with financial resources opened up by the Farmers Home Administration in project that provide a springboard for community effort, Bellefonte approaches its 100th anniversary next summer, not as a town fading away, but as a growing and prosperous community with a bright future.

This spirit of renewal is found today in many progressive towns such as Bellefonte, and services of the Farmers Home Administration are making a comparable contribution to almost every such community.

The rural community facilities program has brought modern water systems to some 55 localities of our district the past 10 years, with 34 of these systems realized during the past 2 years. Systems range in coverage from single small communities such as Bellefonte to large town-and-country sections of counties—as in the case of Washington County's \$2.7 million White River Association system now under construction, to serve some 2,000 families in the eastern part of that county, and Benton County's District One system, which will bring modern water service to 3,000 families in the west-central portion of that county.

Rural housing credit through the Farmers Home Administration has more than tripled in Arkansas since 1969. Statewide volume reached \$60 million in the fiscal year 1971, providing more than 5,880 new and improved homes for families of low and moderate income. Our district accounted for 1,600 of these homes and a \$17 million share of the year's rural housing credit.

As a stronghold of the family-size farm, the Third District also leads the State in farm credit service from FHA. More than 2,500 families in our 25 counties own farms financed through the agency's Farm Ownership program, and 1,800 lacking other sources of production credit financed operations the past year by way of FHA. Farmers Home added \$8 million in our district and more than \$23 million in the State to farm ownership and production credit available to Arkansas' family-farm agriculture.

Thus a credit agency of the U.S. Department of Agriculture is performing unique and invaluable service, both in support of the family farm and the rural community working to renew its prosperity and improve conditions of living for its people.

One of President Nixon's most effective actions in support of rural America has been to place more resources behind the insured credit programs of the Farmers Home Administration.

We are confident that he means to preserve in the federal system a strong and effective agency dedicated to the

special problems and requirements of rural areas.

And we congratulate Administrator James V. Smith, State Director Robert Hankins, and the people in FHA county offices throughout our part of Arkansas who conduct one of the public service most valued and respected by people of our district.

#### PROPOSED BIG THICKET NATIONAL PARK IN EAST TEXAS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I and 1 of my colleagues in the Texas delegation are today introducing a bill to establish a Big Thicket National Park in East Texas.

The area to be affected by this legislation is a living museum of plant and animal life of North America. This unique bit of nature encompasses the trees and shrubs, the various forms of animal life and in several cases, the last known existing specimens of biological phenomena.

The bill I am introducing today differs from one previously introduced by me in that it authorizes the Secretary of the Interior to establish a park with land and interest in land of 100,000 acres. My earlier bill stated "not to exceed" 100,000 acres. That phrase has now been eliminated.

It is imperative that we move now to maintain this area which I have in the past referred to as "nature's crossroads in North America."

This bill is a realistic and sound approach to achieving this end. It does not meet the expectations of every advocate of such a park but it is a reasonable measure which recognizes the realities of the situation.

Am hopeful that this measure can be considered favorably by my colleagues in that, as I have stated before, "we stand on the verge of losing something of infinite beauty and value—something man will never be able to replace."

#### PUBLIC BROADCASTING SALARIES REVEALED

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, some weeks after I first voiced the request, the Corporation for Public Broadcasting has provided me with a breakdown of its pay scales.

As one who has consistently supported public broadcasting, I regret that my friends over there took so long to produce this information. My purpose in ferreting it out was not to embarrass anyone, but in line with a conviction that use of public funds mandates full public disclosure.

Whether public television's talent and administrative officers are overpaid constitutes a value judgment. Under the law, however, public broadcasting is not permitted to solicit advertising; nor is it



caught up in the commercial scramble for audience ratings. I should have hoped that this new medium would build up its own air personalities, rather than seek to compete for talent on the commercial market.

Omitted, unfortunately, from the roster of agencies initially provided me this afternoon by John Macy, CPB president, is the National Public Affairs Center for Television, which receives about 55 percent of its funding from the Corporation for Public Broadcasting.

It has become public knowledge, however, that the two on-air "stars" of NPACT, Sander Vanocur and Robert MacNeil, are paid, respectively, \$85,000 and \$65,000 a year. I mention this here only so that the RECORD will be reasonably complete.

Mr. Macy himself makes \$65,000, a figure that may not be out of line with earnings among the chief executives of other quasi-public corporations, such as Amtrak and Comsat.

For the sake of clarity, I have included the names of all executives of the Corporation for Public Broadcasting, National Public Radio and the Public Broadcasting Service who are paid more than \$36,000. There are a total of nine such executives, including NPACT President Jim Karayn.

Along with Mr. Macy's letter to me, and the three payroll lists, I am inserting a schedule of talent fees that includes the arrangements for William F. Buckley and William Moyers, and the corporation's tentative operating plan—budget—for fiscal 1972. All this, I know, will be of interest when Congress considers long-term financing for the Corporation for Public Broadcasting. The material follows:

CORPORATION FOR PUBLIC BROADCASTING,  
New York, N.Y., December 2, 1971.

HON. LIONEL VAN DEERLIN,  
House of Representatives,  
Washington, D.C.

DEAR VAN: In response to your request in our recent telephone conversation, I am attaching for your use information relating to the salaries, talent or contract fees paid to top executives and performers in public broadcasting.

I believe that this material demonstrates that public broadcasting is endeavoring to provide the American public with diversity and excellence at a modest cost. A total of 800 hours of new program production is to be distributed this fiscal year at an average cost per hour of \$45,745. Of this figure the average cost to the Corporation for Public Broadcasting is \$17,993. As familiar as you are with broadcasting, I am sure you will agree that this total cost per hour of public broadcasting national programming is less than 1/4 the average cost per hour of commercial broadcasting.

I am also enclosing a salary breakdown for the executive employees of the Corporation, the Public Broadcasting Service, and National Public Radio. We have used the federal grade and salary standards in this instance to indicate that the Corporation and the organizations closely related to it are paying salaries generally comparable to those in the federal service. This is for illustration only because these agencies are not federal and are engaged in the broadcasting business.

I hope very much that this material will help to clarify confused reports concerning salaries and fees paid by public broadcasting. Once again, if I can be of any further

assistance, please do not hesitate to let me know.

With best wishes.

Sincerely yours,

JOHN W. MACY, JR.,  
President.

#### COMPENSATION BREAKDOWN, EMPLOYEES, CORPORATION FOR PUBLIC BROADCASTING

(Use of Federal Government salary scales for comparison reasons only.)

##### Breakdown and employees

\$65,000 (John W. Macy, President)-----	1
\$45,000 (Ralph Nicholson, Vice President)-----	1
\$40,000 (John Witherspoon, TV Director)-----	1
\$38,000 (John Golden, R. & D. Director)-----	1
\$38,000 (Dick Favill, Director of Development and Secretary to the Board)-----	1
GS-18 (\$36,000)-----	0
GS-17 (\$32,546-\$36,000)-----	2
GS-16 (\$28,129-\$35,633)-----	3
GS-15 (\$24,251-\$31,523)-----	8
GS-14 (\$20,815-\$27,061)-----	4
GS-13 (\$17,761-\$23,089)-----	3
GS-12 (\$15,040-\$19,549)-----	5
GS-11 (\$12,615-\$16,404)-----	3
Below GS-11-----	42
Total-----	75

#### COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC RADIO

(Use of Federal Government salary scales for comparison reasons only.)

##### Breakdown and employees

\$45,000 (Donald Quayle, president)-----	1
GS-18 (\$36,000)-----	0
GS-17 (\$32,546 to \$36,000)-----	1
GS-16 (\$28,129 to \$35,633)-----	1
GS-15 (\$24,251 to \$31,523)-----	4
GS-14 (\$20,815 to \$27,061)-----	7
GS-13 (\$17,761 to \$23,089)-----	6
GS-12 (\$15,040 to \$19,549)-----	10
GS-11 (\$12,615 to \$16,404)-----	5
GS-10 and under-----	52
Total-----	87

#### COMPENSATION BREAKDOWN, EMPLOYEES, PUBLIC BROADCASTING SERVICE

(Use of Federal Government salary scales for comparison reasons only.)

##### Breakdown and employees

\$50,000 (Hartford N. Gunn, president)-----	1
\$40,000 (Gerald L. Slater, general manager)-----	1
GS-18 (\$36,000)-----	1
GS-17 (\$32,546 to \$36,000)-----	0
GS-16 (\$28,129 to \$35,633)-----	7
GS-15 (\$24,251 to \$31,523)-----	4
GS-14 (\$20,815 to \$27,061)-----	3
GS-13 (\$17,761 to \$23,089)-----	5
GS-12 (\$15,040 to \$19,549)-----	3
GS-11 (\$12,615 to \$16,404)-----	4
All other-----	61
Total-----	90

#### COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

(Use of Federal Government salary scales for comparison reasons only)

##### Breakdown and employees

\$40,000 (Jim Karayn, president)-----	1
GS-18 (\$36,000)-----	0
GS-17 (\$32,546 to \$36,000)-----	0
GS-16 (\$28,129 to \$35,633)-----	7
GS-15 (\$24,251 to \$31,523)-----	7
GS-14 (\$20,815 to \$27,061)-----	0
GS-13 (\$17,761 to \$23,089)-----	3
GS-12 (\$15,040 to \$19,549)-----	0
GS-11 (\$12,615 to \$16,404)-----	6
GS-10 and under-----	27
Total-----	51

#### TALENT AND CONTRACT FEES, FISCAL 1972, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

Sander Vanocur, correspondent... \*\$85,000  
Robert MacNeil, correspondent... \*65,000

\* Contract includes regular series of weekly shows, plus public affairs special assignments.

Elizabeth Drew, "Thirty Minutes With..." \$950 per program. (Exact number of new programs not determined at this time.)

#### TALENT FEES AND CONTRACT PAYMENTS REGULARLY-SCHEDULED PUBLIC TV PROGRAMS

Julia Child (WGBH-Boston) \$500 per program.

Arthur Fiedler (WGBH-Boston) Approximately \$1,500 per program—fee is related to Boston Symphony Orchestra contract.

Marshall Efron (NET-Great American Dream Machine) \$23,400 for the series. (20 programs).

William Moyers (NET-This Week) \$75,000 for the series (35 programs).

The Advocates (WGBH-Boston, KCET-Los Angeles) \$1000 each show. Regulars—William Rusher, Howard Miller.

David Littlejohn (KQED-San Francisco, Critic-at-Large) \$250 per show.

World Press panel members (KQED-San Francisco) \$140 per show for each.

Washington Week in Review panel (WETA-Washington) \$125 per show.

Robert Cromie (Book Beat, WTTW-Chicago) \$500 per show.

Alistair Cooke (WGBH-Boston, Masterpiece Theatre) \$833 per show (includes writing fees as well as hosting appearance).

Jean Shepherd (WGBH-Boston, Shepherd's America) \$750 per show (including talent, writing and some production).

William F. Buckley (SECA-Firing Line) Fee to National Review Corp. (\$11,500 per show, including all production costs and salaries of producers, directors, staff, guest fees and Mr. Buckley's fees.)

Lewis Freedman (KCET-Los Angeles) Producer of Hollywood Television Theatre series, \$45,000 per year. (Hollywood Television Theatre pays minimum union scale to all stars, directors, etc.)

Fred Rogers (WQED-Pittsburgh, Misterogers's Neighborhood) \$40,000 for 65 shows. Mr. Rogers is the talent, producer, puppeteer and head writer.

#### CORPORATION FOR PUBLIC BROADCASTING—1972 OPERATING PLAN

	Amount (thousands)	Percent
I. Programs for public television.....	\$15,245	40.5
II. Programs for public radio.....	2,339	6.2
III. Technical:		
Planning and research.....	300	0.8
TV program distribution.....	8,181	21.8
Radio program distribution.....	968	2.6
Total.....	9,449	25.2
IV. Development and support:		
Improving quality.....	500	1.3
Supporting stations.....	6,554	17.4
Increasing awareness.....	1,340	3.6
Total.....	8,394	22.3
V. Administrative support.....	2,176	5.8
Total program.....	37,603	100.0

#### STRATTON LEGISLATION TO ESTABLISH A NATIONAL POLICE ACADEMY, SIMILAR TO OUR NATIONAL SERVICE ACADEMIES

(Mr. STRATTON asked and was given permission to extend his remarks at this

\* PTV minimum is less than commercial minimum scale.

point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have today introduced legislation to establish a national police academy, similar in nature to our present service academies at West Point, Annapolis, and Colorado Springs, for the purpose of training career professional police officers for service at all levels of government.

Under my bill the Attorney General would be responsible for setting up such an institution, which would not in any way, by the way, be directed toward establishing a national police force, but only toward providing the best trained career individuals to serve in their local communities, in their local State police organizations, or in similar capacities elsewhere as police and law enforcement officers in established police organizations.

Appointment to the academy would be by competition on a nationwide basis, and without discrimination either with regard to race or sex. Each State would be allotted the same number of vacancies at the academy as would correspond to its congressional delegation, with each yearly class thus totaling 435 students. In this way the officers trained at the academy would represent every segment of the Nation. Once accepted, cadets would receive allowances while attending the academy, would be given uniforms and textbooks, and would be taught by a faculty selected by the Attorney General on the advice of a board of visitors and an advisory committee. Upon graduation, cadets would receive bachelor of science degrees.

The beneficial effects of such training are almost limitless. The police academy would prepare its cadets to face dangerous criminal situations, thus enabling them to better protect themselves and the community.

The issue of individual rights versus the public's right to protection from criminals has become a very serious one.

Cadets would be trained in such things as constitutional law and evidence, so that when confronting a suspect, for instance, they would be proficient enough obtaining evidence or making an arrest so as to do it without violating a suspect's constitutional rights. The ultimate effect would be that fewer convictions would be overturned because evidence used in the conviction had been obtained illegally by the police; and at the same time innocent citizens would be better protected against violations of their own constitutional rights.

Mr. Speaker, I introduce this legislation at a particularly significant time as far as my own district in upstate New York is concerned, because within just the past week two young police officers in the Albany Police Department were brutally gunned down in the line of duty within a few days of one another. In introducing this bill I regard it as a special act of tribute on my part to their memory and to the cause in which they gave their lives.

The tragic death of these two young men, Sgt. Michael McNeil and Patrolman Edward Stevens, is eloquent proof of the heavy and dangerous responsibilities that we place today on all our

police officers, whether in our larger cities or in our smaller ones. And those who assume these duties all too often get far too little recognition or appreciation for what they do.

The establishment of an academy such as this would be, I think, one positive step we could take toward paying to all police officers and to the very vital but difficult and dangerous profession which they follow, more of the attention and the recognition they deserve.

Creating an academy of this kind would not of course bring these two brave men back to us in Albany. But it will at least help us to focus more of our attention on the need for continuing to attract to the police profession the best possible men, and to give them the topnotch training and career opportunities they would require to do their job effectively, and thereby to preserve the domestic stability and orderliness in local communities across the land, without which the reasonable, free, democratic system of society cannot possibly hope to survive.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MIZELL (at the request of Mr. GERALD R. FORD), after 7 p.m., on account of official business.

Mr. McKEVITT (at the request of Mr. GERALD R. FORD), after 4 p.m., today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), after 7 p.m., today.

Mr. DAVIS of South Carolina (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HAGAN (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:

(The following Members (at the request of Mr. MILLS of Maryland) to revise and extend their remarks and include extraneous matter:)

Mr. KEITH, for 5 minutes, today.

Mr. MATHIAS of California, for 5 minutes, today.

Mr. McCOLLISTER, for 5 minutes, today.

Mr. McKINNEY, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. HORTON, for 30 minutes, on December 5.

Mr. CRANE, for 10 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. McCULLOCH, for 5 minutes, today.

Mr. MORSE, for 10 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. WINN, for 5 minutes, today.

(The following Members (at the request of Mr. McKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. RUNNELS, for 10 minutes, today.

Mr. McKAY, for 15 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. WHITE, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT to extend his remarks and include extraneous matter immediately following approval of the Journal, today.

Mr. COUGHLIN immediately following the remarks of Mr. ANDERSON of Illinois under the limitation of debate on the Giaino amendment, in the Committee of the Whole today.

Mr. HECHLER of West Virginia during the consideration of H.R. 11955 and to include two letters.

Mr. MIKVA during the course of debate on the bill H.R. 11932.

Mr. MAHON during consideration of the bill H.R. 11955 and to include certain extraneous excerpts.

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of MILLS of Maryland and to include extraneous matter:)

Mr. PELLY in two instances.

Mr. DUNCAN in two instances.

Mr. HARVEY.

Mr. HOSMER in two instances.

Mr. SCHERLE.

Mr. WYMAN in two instances.

Mr. McDADE.

Mr. O'KONSKI.

Mr. McCOLLISTER in seven instances.

Mr. McDONALD of Michigan.

Mr. CONTE.

Mr. SCHWENGL.

Mr. RAILSBACK in two instances.

Mr. CONABLE.

Mrs. HECKLER of Massachusetts.

Mr. HUNT in two instances.

Mr. HALPERN.

Mr. ANDERSON of Illinois.

Mr. HORTON.

Mr. FREY.

Mr. SHRIVER.

Mr. BELL.

Mr. HILLIS.

Mr. NELSEN.

Mr. BAKER.

Mr. SKUBITZ.

Mr. BROWN of Ohio.

Mr. RIEGLE.

Mr. BOB WILSON.

Mr. McKINNEY.

(The following Members (at the request of Mr. McKAY), and to include extraneous matter:)

Mr. FLOOD in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. ADDABBO in two instances.

Mr. ASPIN in three instances.

Mr. HULL in two instances.

Mr. GIBBONS.

Mr. ROSTENKOWSKI in two instances.

Mr. VANIK in two instances.

Mr. WILLIAM D. FORD.

Mr. FRASER in seven instances.

Mr. ALEXANDER in five instances.

Mr. BINGHAM in three instances.

Mr. ANNUNZIO in two instances.

Mr. McMILLAN.



Mr. MURPHY of New York.  
 Mr. REUSS in three instances.  
 Mr. BRADEMAs in six instances.  
 Mr. BEGICH in five instances.  
 Mr. O'HARA in two instances.  
 Mr. MITCHELL in two instances.  
 Mr. EDWARDS of California in three instances.  
 Mr. WALDIE in six instances.  
 Mr. PICKLE in three instances.  
 Mr. HANNA in five instances.  
 Mr. CLAY in six instances.  
 Mr. HAMILTON.  
 Mr. BERGLAND in three instances.  
 Mr. NICHOLS in two instances.  
 Mr. ANDERSON of California.  
 Mrs. SULLIVAN.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

#### ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide

for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

#### ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, December 6, 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:

1330. A communication from the President of the United States, proposing an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for the District of Columbia (H. Doc. No. 92-179); to the Committee on Appropriations and ordered to be printed.

1331. A letter from the Secretary of Defense, transmitting a report of plans and programs initiated to identify, treat, and rehabilitate drugs and alcohol dependent members of the armed services, together with recommendations for additional legislation necessary to combat drug and alcohol dependency in the armed services, pursuant to section 501(b) of Public Law 92-129; to the Committee on Armed Services.

1332. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1333. A letter from the Comptroller General of the United States, transmitting a report on benefits that could be realized through reuse of designs for public housing projects under the Department of Housing and Urban Development; to the Committee on Government Operations.

#### 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. PERKINS: Committee on Education and Labor. H.R. 11570. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year (Rept. No. 92-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 11809. A bill to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years (Rept. No. 92-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 8290. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; with amendments (Rept. No. 92-704). Referred to the Commit-

tee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on Senate Concurrent Resolution 6 (Rept. No. 92-705). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11997. A bill to amend the Economic Stabilization Act of 1970 to exempt from its provisions fringe benefits offered in connection with a contract of employment; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 11998. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 11999. A bill to amend section 131 of title 23 of the United States Code, relating to the control of outdoor advertising along the Interstate and the Federal-aid primary systems, in order to permit certain signs for environmental and antipollution purposes; to the Committee on Public Works.

By Mr. BROYHILL of North Carolina (for himself, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SHOUP, Mr. STEIGER of Arizona, Mr. STEPHENS, Mr. STUBBLEFIELD, Mr. STUCKEY, Mr. TAYLOR, Mr. WAGGONER, Mr. WAMPLER, Mr. WILLIAMS, Mr. WRIGHT, and Mr. WYATT):

H.R. 12000. 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. BROYHILL of North Carolina (for himself, Mr. BETTS, Mr. BEVILL, Mr. BRAY, Mr. BROWN of Michigan, Mr. CARTER, Mr. DAVIS of Wisconsin, Mr. DICKINSON, Mr. DORN, Mr. DUNCAN, Mr. EDWARDS of Alabama, Mr. FLOWERS, Mr. HAMMERSCHMIDT, Mr. HARVEY, Mr. HASTINGS, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. KUYKENDALL, Mr. LUJAN, Mr. MIZELL, Mr. NELSEN, Mr. NICHOLS, Mr. PREYER of North Carolina, Mr. RANDALL, and Mr. ROBINSON of Virginia):

H.R. 12001. 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. BURKE of Massachusetts:

H.R. 12002. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 12003. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12004. A bill to amend the Sherman and Clayton Antitrust Acts, to create an Office of Industrial Organization to control concentration of economic power, and for other purposes; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself and Mr. WYMAN):

H.R. 12005. A bill to protect marine mammals; to establish a Marine Mammal Com-

mission; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELS of New Jersey:

H.R. 12006. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DELANEY:

H.R. 12007. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. POFF, Mr. HUTCHINSON, Mr. McCLODY, Mr. SMITH of New York, Mr. RAILSBACK, Mr. BIESTER, Mr. WIGGINS, Mr. DENNIS, Mr. FISH, Mr. COUGHLIN, Mr. MAYNE, and Mr. KEATING):

H.R. 12008. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. BROYHILL of North Carolina, Mr. KYROS, Mr. MONTGOMERY, Mr. ROE, Mr. TERRY, and Mr. WILLIAMS):

H.R. 12009. A bill to create a partnership between the United States and the several States for the development of rural America's transportation, industrial growth, education, health, housing, environmental protection, and planning resources and capacity; to the Committee on Agriculture.

By Mr. PRYOR of Arkansas:

H.R. 12010. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ADAMS, Mr. BADILLO, Mr. BRASCO, Mr. CAREY of New York, Mr. CLARK, Mr. COTTER, Mr. DANIELSON, Mr. DELUMS, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTRY, Mr. FRASER, Mr. GIBBONS, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KARTH, Mr. LEGGETT, Mr. MAZZOLI, Mr. MEEDS, Mr. MIKVA, and Mr. PEPPER):

H.R. 12011. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate non-inflationary economic growth; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SARBANES, Mr. SEIBERLING, Mr. SISK, Mr. TIERNAN, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. WILLIAM D. FORD, Mr. MITCHELL, Mr. HATHAWAY, Mr. BINGHAM, Mr. COLLINS of Illinois, Mr. ROYBAL, Mr. ASPIN, Mr. OBEY, Mr. KYROS, Mr. ROE, and Mr. THOMPSON of New Jersey):

H.R. 12012. A bill to amend and extend the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. RUNNELS:

H.R. 12013. A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ (for himself and Mr. SEBELIUS):

H.R. 12014. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 12015. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 12016. A bill to amend title 13, United States Code, to authorize the Bureau of the Census to establish a program for the canvassing of the election process, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mrs. MINK, Mr. MEEDS, Mr. SCHEUER, Mr. GAYDOS, Mr. CLAY, Mrs. CHISHOLM, Mrs. GRASSO, and Mr. DENT):

H.R. 12017. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 12018. 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. COLLINS of Texas:

H.R. 12019. 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. DU PONT (for himself, Mr. FISH, Mr. LENT, Mr. EDWARDS of California, Mr. HANNA, Mr. LONG of Maryland, Mr. OBEY, Mr. FORSYTHE, Mr. GOLDWATER, Mr. PETTIS, Mr. RUPPE, Mr. HOGAN, Mr. MORSE, Mr. VEYSEY, Mr. HECHLER of West Virginia, Mr. WOLFF, Mr. BROWN of Michigan, Mr. PRYER of North Carolina, Mr. BIESTER, Mr. ANDERSON of Illinois, Mr. SEIBERLING, Mr. FRENZEL, Mr. COLLINS of Texas, Mr. RYAN, and Mr. HATHAWAY):

H.R. 12020. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. DU PONT (for himself, Mr. FISH, Mr. MILLER of Ohio, and Mr. ROE):

H.R. 12021. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. GROVER (for himself, Mr. McDONALD of Michigan, Mr. LENT, Mr. TEAGUE of California, Mr. RABICK, Mr. BEVILL, Mr. PIKE, Mr. TERRY, Mr. CLEVELAND, Mr. SAYLOR, Mr. VEYSEY, Mr. WILLIAMS, Mr. PIRNIE, Mr. MANN, Mr. HUNT, Mr. HASTINGS, Mr. LENNON, Mr. ARCHER, Mr. DANIEL of Virginia, Mr. ROBINSON of Virginia, Mr. BURKE of Florida, Mr. MATHIAS of California, Mr. CASEY of Texas, Mr. HOSMER, and Mr. HALL):

H.R. 12022. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. GROVER (for himself, Mr. BRINKLEY, Mr. RUNNELS, and Mr. COLLIER):

H.R. 12023. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 12024. A bill to amend title 10 of the United States Code to change the age

limitation on eligibility for the ROTC financial assistance program so as to take into account active service previously performed by students; to the Committee on Armed Services.

By Mr. MAYNE:

H.R. 12025. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 12026. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12027. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal State program; to the Committee on Education and Labor.

H.R. 12028. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 12029. A bill to provide Federal assistance to States for improving elementary and secondary teachers' salaries, for meeting the urgent needs of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 12030. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. STEELE:

H.R. 12031. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 12032. A bill to direct the Secretary of the Army to remove the steamer *Glen* from Manistee Harbor, Mich.; to the Committee on Public Works.

By Mr. ZABLOCKI:

H.R. 12033. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. BURLESON of Texas, Mr. CABELL, Mr. ECKHARDT, Mr. GONZALEZ, Mr. PATMAN, Mr. PICKLE, Mr. POAGE, Mr. PURCELL, Mr. ROBERTS, Mr. WHITE, Mr. WRIGHT, and Mr. YOUNG of Texas):

H.R. 12034. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 12035. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. DRINAN, Mr. BEGICH, and Mr. STOKES):

H.R. 12036. A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate non-inflationary economic growth; to the Committee on Education and Labor.

By Mr. STRATTON:

H.R. 12037. A bill to establish a National Police Academy, and for other purposes; to the Committee on the Judiciary.



By Mr. DULSKI:

H.R. 12038. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.J. Res. 991. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. BLATNIK, Mr. FRASER, Mr. FRENZEL, Mr. KARTH, Mr. NELSEN, Mr. QUIE, and Mr. ZWACH):

H.J. Res. 992. Joint resolution to assure continued eligibility of recipients of food stamp benefits and to maintain present levels of bonuses for these recipients; to the Committee on Agriculture.

By Mr. YOUNG of Florida (for himself and Mrs. GRASSO):

H.J. Res. 993. 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. ZABLOCKI:

H.J. Res. 994. Joint resolution relating to U.S. diplomatic relations with the Republics of Ukraine and Byelorussia; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H. Con. Res. 472. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself and Mr. CAREY of New York):

H. Con. Res. 473. Concurrent resolution

urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 474. Concurrent resolution expressing the sense of the Congress with respect to certain claims of nationals of the United States against the Government of the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 723. Resolution to express the sense of the House of Representatives that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. DU PONT (for himself, Mr. FISH, Mr. LENT, Mr. EDWARDS of California, Mr. HANNA, Mr. LONG of Maryland, Mr. OBEY, Mr. FORSYTHE, Mr. GOLDWATER, Mr. PETTIS, Mr. RUPPE, Mr. HOGAN, Mr. MORSE, Mr. VEYSEY, Mr. HECHLER of West Virginia, Mr. WOLFF, Mr. BROWN of Michigan, Mr. PREYER of North Carolina, Mr. BIESTER, Mr. ANDERSON of Illinois, Mr. SEIBERLING, Mr. FRENZEL, Mr. COLLINS of Texas, Mr. RYAN, and Mr. HATHAWAY):

H. Res. 724. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

By Mr. DU PONT (for himself, Mr. FISH, Mr. MILLER of Ohio, and Mr. ROE):

H. Res. 725. Resolution to amend the Rules of the House of Representatives to require

that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 12039. A bill for the relief of American Edelstaal, Inc.; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12040. A bill for the relief of the Supreme Wine Co., Inc.; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 12041. A bill to confer U.S. citizenship posthumously upon Mr. and Mrs. William Vito DeJohn, Sr.; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 12042. A bill to provide for the conveyance of certain property of the United States located in Ely County, Nev., to Mrs. Elmer Bower; to the Committee on Interior and Insular Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

170. The SPEAKER presented a petition of the City Council, Englewood, N.J., relative to withdrawal of U.S. troops from Southeast Asia, which was referred to the Committee on Armed Services.

## EXTENSIONS OF REMARKS

### CHAUVINISM IN THE MARKETPLACE

#### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BOLLING. Mr. Speaker, George W. Ball takes a realistic approach to our urgent trade problems in his column in Newsweek of November 29, which follows:

#### CHAUVINISM IN THE MARKETPLACE

(By George W. Ball)

When two major opinion groups proceed from antithetical premises to agreement on a radical reversal of national policy, the event is worth noting. When the agreed-on change is retrograde and ill-advised, the consequences could be catastrophic.

Today on college campuses a swelling number of students and professors are caught up in an ecstasy of self-abasement. America, they proclaim, has been playing a brutal and imperialist role; now we must do penance. We must stop meddling in the affairs of other nations. Existing security treaties must be torn up. We must bring back our ships and soldiers from both Europe and the Far East, leaving the nations in each region to find serenity and happiness through their own devices.

Such over-reaction has plenty of precedent. Though the professors should know better, the young have always judged life in absolute terms. But what is really surprising is to find many businessmen arriving at parallel views. Not that they believe we have been selfish and evil; on the contrary, we have, as they see it, been too idealistic and soft-headed, handing out our resources to the ungrateful and

turning over our market to selfish foreigners. So now we must get tough, cut our commitments and force other nations to take over our burdens. Finally—and most important—we must insulate our markets by whatever means are necessary. We must, in other words, embrace both isolationism and protectionism—two sides of the same counterfeit coin.

#### RESOLUTE

Against the over-reaction of the universities, the Administration takes a resolute stand; against defeatism in industrial circles, it seems ambiguous and political. While the President opposes the precipitate withdrawal of American power, the Secretary of the Treasury gives comfort to its proponents by exploiting the theme of self-pity and the unfairness of foreigners, attributing our payments balance to the selfishness of other nations.

Effective short-run politics though this may be, it is dangerous talk since the virus of xenophobia could produce an epidemic of destructive potential. Nor does it do credit to our capacity for accurate appraisal, because our payments deficit is no simple phenomenon. It results from an overseas war, from inflation not yet under control, from changes in the structure of the world economy marked by the industrial progress of other nations, from capital invested offshore that returns income only after a time lag—these factors and more have pushed the dollar out of line with other currencies.

Our problems are thus either of our own making or the product of impersonal economic forces; they do not stem from the wickedness of others. Our trade with Europe, for example, has benefited mightily from the European Common Market, while levels of protection on the two sides of the Atlantic are at a stand-off. Against the Japanese we have legitimate complaints, since they have concentrated obtusely on the penetration of our market while keeping their own largely

closed; yet that should not be blown up beyond life-size. Even with free access to the Japanese market, we would probably not improve our trading balance by more than \$300 million—a relatively small factor in the total.

#### TASKS

The tasks we face today are straightforward and urgent. First, we must quickly agree on a realignment of currencies and end the import surcharge before the whole world fabric of trade and payments begins to unravel. Second, we must redesign the international monetary system—an operation that cannot be accomplished overnight.

Neither of these tasks can we achieve by ourselves, but only by a common effort of the major trading partners. Yet for such an effort to succeed requires an atmosphere of mutual trust, which can be restored only if we again act in character.

What do our partners expect of us?

That we will stop trying to overtrade with unrealistic demands that can lead only to a long and futile haggle. That we will avoid stirring up, at home or abroad, the mistrust of foreigners that lies so dangerously near the surface of every nation's consciousness. That, finally, we will reassert the calm, firm leadership that has served the world so well for the past three decades.

## ALIEN SMUGGLERS

### HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDONALD of Michigan. Mr. Speaker, we have all become familiar with the Byzantine route by which narcotics enter this country—from the